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Mr. Ian. G. Waddell,  
Special Counsel  
Mackenzie Valley Pipeline Inquiry  
P.O. Box 2817, Yellowknife, N.W.T.

November 5, 1976

Dear Mr. Waddell,

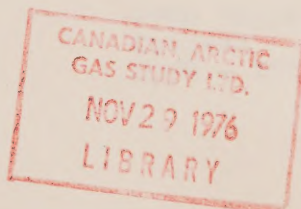
Attached is a document entitled  
COPE-ITC Submissions which I am submitting to the Inquiry  
for final argument.

Yours faithfully,

*John U Bayly.*

John U. Bayly  
Counsel

Committee for Original Peoples Entitlement  
and Inuit Tapiritsat of Canada







## FOREWORD

This document is a summary without references of the argument, terms and conditions and recommendations proposed by COPE to the Mackenzie Valley Pipeline Inquiry. It was prepared by Lorraine Allison, Gaile Noble and Peter Usher under my direction. It was developed from the house to house visits in the communities made by COPE field workers Frank Cockney, Annie C. Gordon, Jean Look and Agnes White. From the notes made following these visits the major concerns of Inuvialuit were extracted. These were discussed and approved by the COPE board of directors in August 1976. The evidence led by COPE during the formal hearings was a reflection of these concerns. Using this evidence and the community hearings evidence, the argument and recommendations were written. On October 22nd this argument was taken to the COPE board of directors in Holman Island where it was read, translated, debated, modified and accepted.

John Bayly  
Counsel  
COPE - ITC





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## INTRODUCTION

No pipeline before land claims are settled. That is the position put to you on behalf of COPE at the preliminary hearings in Inuvik. That is the position of COPE, and of the Inuit Tapirisat of Canada, today after nineteen months of evidence before you. People in every native community have said that land claims must be settled before the construction of any pipeline, and they have stated their reasons for this demand. They have expressed a widespread and deeply felt apprehension about the impact and implications of a pipeline and of other related developments. They fear for their land, their communities, their families and their way of life.

What do the Inuvialuit want from this Commission and what do they hope to find in your report to the Government of Canada? The best they can hope for is a recommendation that there be no pipeline authorization or construction prior to the settlement and implementation of their land claims; no pipeline before whatever changes are necessary to ensure their survival as a people have taken place; no pipeline before land selection and planning have occurred.

The Inuvialuit seek this recommendation for two broad reasons. First, evidence led at this inquiry has shown that the social, economic and mental stresses and costs which will result from forced change of native people and their way of life are unacceptable. Second, the Inuvialuit have legal rights to their land, and evidence has been led in the communities to show the extent and nature of the uses to which the land has been put. These rights should for legal, moral and political reasons be determined, acknowledged and enshrined prior to construction. Because land selection is an important element of settlement, the evidence has shown that it would be impossible to build a pipeline or even to select a route for one without precluding the selection of certain lands and waters under the terms of a land claims settlement agreement.





Neither COPE nor ITC has presented a land claims proposal to this inquiry. At this time, there is none before the Government of Canada to present. As you pointed out on the last day of evidence this is understandable, and I make no apologies to you for it.

Nevertheless, it is possible to discuss the conflict between major developments and the land claims in the absence of a specific proposal. The fundamental objectives of a land claims settlement are not in question among the Inuvialuit. Only the means to achieve these objectives are under review. To demonstrate prejudice, we intend to examine the following:

- 1) the right of aboriginal peoples to land and water;
- 2) the basic things people want to protect and to have guaranteed; and
- 3) the extent to which claims native people might put forward would be compromised by a pipeline and the activities, structures and increased population which would accompany its construction into the area.

COPE viewed this inquiry as a unique opportunity from the outset. In my opening statement to you on 3 March 1975, I said that should a pipeline ever be built, COPE wanted to be there, pen in hand, to write terms and conditions. COPE has tried to use this opportunity to every advantage, with the assistance of the funds arranged by you, for which COPE is grateful. In the intervening two years, it has become apparent that your inquiry has indeed been unique. There is no assurance, unfortunately, that native people will as a matter of course ever be given the opportunity again to contribute their knowledge and solutions to a development proposal of this magnitude. COPE therefore seeks to make recommendations with as broad applicability as possible. Terms and conditions which should apply to a pipeline built on native lands are, in essence, no different from those which should apply to any development on those lands, regardless of place or time.



Although Inuvialuit have said "no pipeline before a land claims settlement", they see no reason not to express their views now about the terms and conditions which ought to apply to one, should it ever be built. I will argue that the opportunity this inquiry has provided to native people should be continuous and expanded, but I am also aware that they may not have such a favourable opportunity again. I therefore, intend to set before you these terms and conditions as COPE sees them now, based on what evidence you have before you.

Let me be clear about the spirit in which COPE makes its recommendations. The Inuvialuit are not asking you to ask the government to plan things, administer and regulate them on their behalf. I believe there is no evidence before this inquiry to suggest that they can safely leave the task of defending their interests to government, either federal or territorial. That task is one they seek for themselves, through land claims and through the terms and conditions you will recommend. COPE's recommendations are put forward on the assumption that native people will have that power and control over their land and their lives. COPE's recommendations serve notice of its basic concerns and objectives to all interested parties and of the policies it might pursue in negotiations as equals with these other parties.

It is often asked, "what do the native people want?". Many people spoke to you at the community hearings. Almost all expressed their concern about the impact of development, past and projected, on their land and their society. They expressed their fear of loss, loss of their land, their culture, their traditions, their society, their identity. They expressed their desire to protect those things in future. The evidence in the communities indicates that all these things are being talked about when the phrase land claims is used. People have given evidence based on their experience of the damage that industrial activities have in the past done to their land. They have given evidence of the changes of their way of life that have been imposed





even with the best of intentions upon their communities, their use of their own language, their religion, their physical and mental health, their housing and their livelihoods.

In their view, the development of petroleum resources in their land will bring with it more of these changes, an acceleration of these processes and, in the absence of a land claim settlement, no increase in the amount of control they will have in what goes on around them and in what happens to them.

Native people in the communities did not give you a detailed blueprint of what the future should be, nor can COPE do that on their behalf. Perhaps no society can give you such a blueprint; certainly not native society which has never yet been given the opportunity to draft one.

What we can say is that there are certain things so important to native society, so dear to native people, that these must be a part of whatever the future brings. They want to participate in Canadian society, but first and foremost as Inuvialuit. They are not the same as other Canadians. They do not want to be and they feel cannot be. Above all they want to survive as a people and maintain their identity as Inuvialuit. This does not mean that native people are against change. It does mean they must control their land, their communities, their lives and their institutions. That is their desire and they believe that is also their right.

The survival of the Inuvialuit is no longer in their own hands as it once was. The southern economy and society is no longer distant and unknown -- it penetrates their communities and spreads across their land. If the present course of development continues, they are doomed as a people. They will be landless and outnumbered. They will have neither an economic base nor political control. They will lose control over their own communities, and they will forever lose the opportunity to control the education of their children and the kinds of social, health and recreational services and opportunities that are provided in the North.





The survival of the Inuvialuit now depends on establishing a new relationship with the rest of Canadian society. If the viability and integrity of their land and lives are to be assured, then at least the following five requirements must be met:

- 1) Maintenance of the traditional land base and the viability of the traditional economy.
- 2) Maintenance of a political majority at the regional level.
- 3) Control over major economic development planning and decisions.
- 4) Maintenance of the viability of the small, essentially native communities.
- 5) Adequate financial support for native self-government and enterprise, including control of training and education for those purposes.

Given these criteria, these minimum conditions for the future well-being of Inuvialuit, it follows that COPE must judge the impact and desirability of a pipeline, or any similar development, on the basis of whether it aids or obstructs their realization. There can be no other criteria for them.

We know that a generation of government intervention, wage labour and settlement living has not helped native people realize those objectives. Pipeline development as presently planned means only more of the same. Native people here and in many other parts of Canada, have concluded that the only means of fulfilling their needs is through what is commonly called a land claims settlement. They do not conceive of this as a narrow, legalistic declaration of land ownership followed by expropriation and compensation. Such a settlement has nothing to do with the objectives they have stated. Nor do they believe that a land claims settlement, even in its broadest terms, encompassing all those objectives, is all that is necessary, or that all their problems will be solved when such an agreement is reached.



They simply believe that a land claims settlement is a major and essential step forward as well as a necessary assertion of their heritage. Without it, nothing else will make much difference. That is why I say that if your terms and conditions are to offer any real benefits to native people, they must go hand in hand with a land claims settlement.

The opportunity provided by your inquiry is of itself inadequate to protect their interests in the long run. We cannot ignore the context in which these applications come before you. They are not isolated. No one denies that the construction of gas pipeline opens the door to other major developments. Sound terms and conditions for a pipeline will not help native people if they have little or no effective input into terms and conditions for constructing oil pipelines, offshore facilities, roads, railroads, and new communities in later years. Neither can we ignore the past failures of government to protect the interests of native people in the face of these developments. It is simply now or never.

The evidence of the applicants must lead you to believe that they intend the impact to be as gentle as possible. They are even prepared to reward with high wages and job opportunities the local people and in particular the native people. But they say that they do not have the power or authority to control the five essential requirements for Inuvialuit survival. Yet the applicants have chosen not to do what the oil companies did in the United States, to influence the American Government to settle the Alaskan Native Claims prior to commencing work on the Alyeska Pipeline. Instead, Arctic Gas and Foothills have in public washed their hands of the fate of native claims, and the Inuvialuit therefore place great importance on the role of this Commission in recommending that the claims be settled and in place prior to the granting of any certificates of public convenience to the applicants.

The Inuvialuit understand a land claims settlement to mean the return of effective power and control over their traditional lands. Without that, they see no way of having any substantial influence over major developments. To construct a pipeline on their lands prior to a land claims settlement is therefore clearly prejudicial to the validity of the claim itself, to the effectiveness of the settlement, and to their future well-being.





In the following argument, we will point out the problems we foresee with development, and make a number of specific recommendations about them. Our emphasis is on the basic objectives of native people and our estimate of the minimum conditions under which those can be realized. A pipeline or similar development must be consistent with those.

We do not pretend to have the answers for everything. In some areas, we can say only that there is a problem and that we have heard no sound solutions to it in evidence. Where that is the case, and the consequences are unacceptable to native people, we can say only that acceptable solutions must be found prior to construction, and that native people must participate in determining those solutions.

Our specific recommendations are neither final nor exhaustive. We cannot foresee every problem, and we know that even at this late stage of assessment of the applicant's proposals, the actual development may be very different from what we are considering now. COPE says Inuvialuit must have the continuing power and control to negotiate issues as they arise, whether they relate to environmental protection, employment or education, and to enforce the implementation of solutions. This power must not be restricted to COPE or to a few native representatives on boards or authorities. It must be ultimately go right back to the communities, to the hunters and trappers associations, to the people themselves. Our recommendations merely indicate the concerns and solutions which native people might put forward in continuing negotiations.

COPE cannot let the Inuvialuit's participations in the future rest with a list of recommended terms and conditions. For unless both government and industry whole-heartedly support the spirit as well as the letter of these terms and conditions, then anything with uncertain implications may be adversely interpreted. As well, the concern about new and unforeseen situations may be met with the customary cold shoulder. There is no credible evidence before this inquiry that either government or industry would not interpret unforeseen or ambiguous situations in their own favour, or indeed actively shift the balance to their own advantage.





## LAND USE

The Inuvialuit have traditionally used and occupied the lands and water on which development is proposed. These lands and waters continue to be important to them economically and culturally. Accordingly, the Inuvialuit have special rights in these areas, both legal and moral. Industrial development is frequently incompatible with traditional activity. The present applications, along with other proposed developments, pose a clear threat to the Inuvialuit's continued use and enjoyment of these lands and waters.

Because the Inuvialuit are the traditional users of the land, with special rights to it, the burden of proof is any land use controversy must lie with those who seek to engage in new uses of the land. Where any reasonable doubt exists as to the potential harm of any proposed activity, the proponent must prove to the satisfaction of the Inuvialuit that this activity will not be detrimental to established uses. The Inuvialuit must be under no obligation to prove that such damage will occur in order to prohibit or restrict such uses. Because the Inuvialuit have special rights to their lands, under no circumstances will the doctrine of "balance of convenience" be an acceptable criteria for determining land use.

We believe that the following things are required, as part of or in addition to a land claims settlement, and must be agreed to and implemented prior to the granting of a permit to construct a gas pipeline.



1. The first category consists of land selection by the Inuvialuit as part of a land claims settlement. COPE cannot say at this time what amounts and what areas would be selected, as this is a matter for negotiation with the Government of Canada. Most lands selected by the Inuvialuit would probably be set aside exclusively for traditional activities, but not all lands would necessarily be prohibited from industrial use. Usually selection would involve large blocks of land. An example is the area of the proposed Cape Bathurst - Husky Lakes freeze (exhibit C256). On much of the land selected by Inuvialuit existing exploration permits would be cancelled. Responsibility for any compensation to industry, shall rest with the Government of Canada. Lands selected by the Inuvialuit shall be exempt from expropriation for industrial uses or transport corridors.

2. The second category consists of land withdrawal for other purposes (possibly but not necessarily as part of a land claims settlement) except that such withdrawals shall not prejudice Inuvialuit selection. Substantial areas of land shall be designated jointly by the Inuvialuit, the Government of Canada, and other interested parties, as parks or reserves for single or restricted uses. Such lands would be withdrawn from possible industrial development. Inuvialuit contemplate that their rights to subsistence harvests would continue in these areas.





3. The third item requires changes in game and fishing regulations to enshrine traditional Inuvialuit hunting and fishing rights, and to provide for the exclusive access by the Inuvialuit to fur, fish and game. The most comprehensive proposal in this regard is the Inuit Hunting Rights Brief (Exhibit 687), which COPE endorses in general. The special hunting and fishing rights of the Inuvialuit shall be exercised over all public lands unless by their own consent there shall be restrictions on certain reserves for management or scientific purposes. It may be necessary to restrict non-native access for tourism and recreation to certain parts of both public and native lands.

4. The fourth requirement is that the Inuvialuit must have substantial and effective influence on the planning and regulation of all development activity on all public lands not withdrawn from those puposes. There shall be a land use planning commission with effective input from the native communities. The commission shall include representatives of the Inuvialuit, the Government, and national environmental and conservation organizations, and its tasks shall include but not be restricted to the following:

- a) land withdrawal according to recommendation 2,
- b) developing realistic land use evaluation and managing procedures for northern environments,
- c) designating sensitive areas where particularly stringent screening of land use and development proposals would be required.



- d) designating specific land management zones and recommending management plans for each,
- e) recommending measures to maintain biological productivity of public lands, to protect fish and wildlife populations and habitats and set minimum standards of conservation,
- f) recommending temporary freezes on lands not yet withdrawn according to recommendations 1 and 2, or on public land until improved protective measures are implemented,
- g) co-ordinating land use planning with those responsible for the management of Inuvialuit lands,
- h) designating potential transportation and transmission corridors,
- i) making recommendations on the timing and sequence of industrial developments,
- j) having input to the revision, administration and enforcement of existing statutes and regulations such as the Territorial Land Use Regulations, as well as co-ordinating its plans with those of special agencies such as any proposed Mackenzie Valley Pipeline Authority.

I fear that the authorization and construction of a pipeline prior to the implementation of these measures will prejudice Inuvialuit participation in land use planning. This contention, and the need for land selection and planning prior to a pipeline, is based on the following evidence.





1. Within living memory, the Inuvialuit of the Western Arctic have exploited nearly 100,000 square miles of land and water for their existence. This area includes all of the North Slope, Richardson Mountains and Mackenzie Delta portions of the proposed pipeline routes, all of the land acreage presently under exploration and development for oil and gas in the Western Arctic, and much of the sea acreage so licenced. Although specific areas of native land use have changed over the years, the total area has not substantially declined. In any event the Inuvialuit do not consider the temporary abandonment of certain areas as diminishing their interest in these areas in any way. Nor do they feel they have any less interest in lands which are important to the animals upon which they do not hunt such as live calving grounds and spawning areas. (Exhibits 657,884, C232A, C238-44, C249, C256, C257, Usher in Chief 166, Community Evidence).

2. These lands and waters continue to provide a substantial economic resource to native families. On a regional basis, they yield over 200 lbs. of meat and fish per capita per annum, and the small communities are heavily dependent on cash income from furs, tourism, crafts and sport hunting as well. This traditional sector of the economy is, in the main, capable of native people. The great majority of native adults participate in the traditional sector to some degree, and by virtue of exchange networks, all benefit from it. (Exhibits 655, 656, 657,884, Usher in chief 166,167, XM167, 168, Snowden, Currie in chief, plus community evidence.)



3. The Inuvialuit have a deeprooted social and cultural reliance on the land. The land is more than just a source of food or cash. It is the permanent source of their identity, security and sense of well-being. Those who have chosen town life and wage employment consider themselves no less rooted in the land than those who trap and hunt full time. For them the knowledge that they can hunt and trap when they want to, that they could return to the land if necessary, is essential to their psychological well-being. The land is the basis of community as well as individual life. The survival of the small communities is seen to depend on the integrity of the lands in which they have an interest. At the same time, the effective use of land, and the maintenance of a way of life based on it, is seen to depend on the survival of the small, native communities. (Exhibit 657, 884, Usher in chief 166, Brody in chief 167,168, plus community evidence.)

4. Industrial development is not compatible with traditional activity on all lands and waters important to the Inuvialuit. This problem has two aspects:

a) In the first place, direct stress on fish and wildlife, or habitat destruction or degradation, may be caused by industrial activity. In some instances, this can be eliminated by sound engineering and land use practices, coupled with strictly enforced regulations. In other instances, no amount of sound practice and regulation can prevent it. Accordingly some lands must be withdrawn from industrial activity for all time. This must happen prior to any major development. (Exhibit 883, C256, Beakhust in chief 199, plus community evidence.)





b) Secondly, under the present game regulations, the increased population which will inevitably come with development will place undue pressure on certain critical fish and game resources. The present regulations, which allow non-natives to hunt on a restricted basis, are apparently based on two assumptions. One is that there are relatively few non-natives utilizing fish and game resources, the other is that non-native hunting and fishing is easily regulated and that a minimum of violations occur. However valid these assumptions may have been in the past, we do not believe they will be valid in the future. If there are no changes in the game regulations, we foresee intolerable competition, particularly for caribou and fish, from non-natives who have neither the same dependency on these resources as original people, nor the same right to them. Such changes must be made prior to any large scale immigration, of non-natives to the N.W.T. (temporary or permanent). (Exhibit 687)

The use of large areas for tourism and recreation is not necessarily compatible with traditional hunting, trapping and fishing. For example, in certain heavily used areas, such as the Mackenzie Delta, even now no hunter can leave his camp or gear in the bush without fear of theft or vandalism. The impact of increased in-migration of non-natives will make this problem worse. (Usher in chief 166, Johns in chief 151, plus community evidence.) Increased access may also lead to stress on wildlife populations and to habitat degradation.



THE LEGAL CLAIM  
THE RIGHT OF INUVIALUIT TO LANDS AND WATERS

The Mackenzie Valley Pipeline Inquiry is not the proper forum to settle and determine the nature and extent of the Land Claims of the Inuvialuit in the Western Arctic, but, to the extent that the construction of a pipeline and related facilities is in conflict with Inuvialuit interests and claims, it is important that you be able to pass on in your report to the government of Canada the nature and extent of that prejudice.

Evidence has been heard in all the Inuvialuit communities of present and past land use. This evidence has confirmed the contents of the Land Use and Occupancy Study in the Western Arctic prepared by members of the community with the assistance of Peter Usher, and the uses have been graphically shown on the supporting map series which is an exhibit to these proceedings.

In establishing the Inuvialuit interest in the lands, evidence has been given to this Inquiry on the importance of land to individuals, to families and to communities. The importance of retaining the land as opposed to being compensated for its loss or damage is a repeated theme of the evidence throughout the communities. There is, we submit, sufficient evidence before you to establish a case that the Inuvialuit have a proprietary interest in the land.

You have heard that the Inuvialuit signed no treaties with the Government of Canada. Briefly, if the Crown has



acquired lands in Canada in the ordinary course of things under English Law, they were acquired subject to all public rights and perogatives of the former Sovereign. There is a presumption that all private rights survived the change in dominion and to determine the nature and extent of these rights, one must look at the lex loci .

You have heard evidence from Victor Allen, Andy Carpenter and other's in the communities which shows that there was a conscious system of the use of the land and water as well as a consciousness by the various groups that make up the Inuvaluit of their rights to use the land and their obligations to one another related to that land use. This evidence is sufficient to show that the Inuvialuit can argue that they have a lex loci which, though different from the European system, is logical, sophisticated and understandable.

It may be argued by the government and by the applicants that whatever rights the Inuvialuit have in their lands, they amount to no more than the estate of fee simple in the land. This would make the lands susceptible to expropriation. An estate of fee simple in the lands implies a tenurial relationship between the crown and the native people. In the evidence you have heard from and about the Inuvialuit, there is no evidence of such a relationship between the present or any former Sovereign. We submit, therefore that it is arguable that the Inuvialuit may have an allodial right to the land. An allod is the highest category of ownership known to the common law, and it consists of an absolute right of ownership. It is not a mere estate and is not subject to the higher rights of the crown.





It is therefore arguable that the Crown may have no more than a right to acquire the land from the Inuit by virtue of their sovereignty .

It is arguable from the evidence that the title of the Inuvialuit is more than the usufructary and communal rights to which various parties of this inquiry have referred. It is unclear what the full nature of the title is at this point. It is sufficient to say that this lack of clarity as to the nature and extent of the title is in itself a compelling reason for settling the claims that Native People have prior to the commencement of the construction of the pipeline and related facilities.



Evidence before this Inquiry has outlined environmental effects which will undoubtedly occur if a pipeline is built in the arctic environment. A further body of evidence describes those effects which might occur. Over these, opinion is divided. Whether or not such effects do result from a pipeline will depend in part upon how the project is regulated by both government and industry. The best of stipulations will not produce acceptable results in the absence of adequate enforcement.

Consultants to the proponent have assumed that the government would do an adequate job of regulation. The EPB did not share their confidence. Inuvialuit have expressed their dissatisfaction with permit conditions and the enforcement of those conditions on petroleum related operations which now occur in their areas. Further, the Inuvialuit do not trust the Department of Indian and Northern Affairs to protect northern ecosystems from the side effects of operations by large, politically influential corporations. They feel that DINA has demonstrated its lack of an environmental conscience on many occasions. Therefore, DINA must not be allowed to dominate the surveillance of a pipeline project. Evidence from government as well as COPE has shown that DINA has used its northern mandate to cajole Inuvialuit into accepting industry's point of view. Further evidence from COPE's panel of Courneyea, Usher, Noble and Allison has shown that the situation has not changed.





## TERRITORIAL LAND USE REGULATIONS

If present government methods or extensions of them were used to regulate environmental aspects of a pipeline project, much of it would come under the aegis of the Territorial Land Use Regulations. Whatever regulatory structure (s) are used, we anticipate that some ancillary facilities, pipeline related projects and continuing exploration will be regulated under the Territorial Land Use Regulations. Evidence brought before this Inquiry at the community hearings has clearly shown the dissatisfaction of local people with the present workings of the Land Use Permit system.

Some other shortcomings of the present system were described by Beakhust (Vol 199)

Before the operations of the Land Use section of DINA, and of the Land Use Advisory Committee can be acceptable to the local people for the regulation of even day to day relatively small projects, the following changes must be made.

1. Legislative changes are required to allow the Land Use Advisory Committee to have real powers. Its advisory role must be ended. It must be established under the Territorial Land Use Regulations.



2. Local hunters' and trappers' associations are the appropriate groups to express environmental concerns beyond settlement boundaries. DINA now insists on dealing with the communities through their councils despite requests from some communities for a change. Applications for operations within settlement boundaries should be dealt with by the settlement councils except when activities proposed may affect the opportunity of residents to harvest animal populations (for instance, dredging of the Tuk harbour). In such an instance the hunters and trappers must also be consulted.

3. The Land Use Committee must include direct formal participation by native community representatives whenever they wish to be involved.

4. Native representation shall include all organizations which are interested in participating. This may be a combination of COPE, settlement councils if they wish to be involved, and hunters' and trappers' associations. Technical and legal assistance must be available to the settlements. This may be provided through native organizations.

5. Community concerns, whether received in writing or carried by a representative, must be presented to members of the Land Use Committee at their regular meetings.

6. When an application is of particular interest to a community, the native representative on the Land Use Committee may request that consideration of the application be delayed by as much as a year.

7. Independent funding will be required for the Land Use Committee.



8. Membership on the Land Use Committee will become full time as industrial operations expand in the north.

9. Native associations will be invited to have full time members sit on the Land Use Committee, as well as being able to make individual submissions from settlements.

10. Regional committees should also be established to allow communities to participate more directly in the review of applications.

11. The reconstituted Land Use Committee shall consider cumulative effects of proposed operations.

12. The Land Use Committee shall also consider long term effects of proposed operations.

13. If all Department of the Environment members of the Land Use Committee and the native community representatives oppose an application, it must be turned down.

14. Members of the Land Use Committee as reconstituted who oppose an operation which is allowed to proceed, may write a minority report which shall be a public document.

15. The present one way right of appeal must be extended to those who objected to the granting of the permit as well as to those whose application has been refused.

16. All Land Use Committee meetings must be public.

17. The minutes of Land Use Committee meetings must include a detailed description of the discussion and must be available to the public on request. Minutes must also be distributed to all the interested communities with the application or permit.





18. The LUC may require any applicant to submit an environmental impact statement for his operation.

19. The Land Use Committee may require that certain research be done prior to an application being considered. If funds are not available, and the applicant cannot or does not wish to provide them, the application will be denied unless it can show that the research funds should in the public interest be supplied from other sources.

20. The Land Use Committee should conduct research to determine whether present permit stipulations provide adequate protection for the environment. Stipulations must be revised as necessary to make them both legal enforceable and environmentally acceptable.

21. The Land Use Committee shall be funded to contract research according to its own priorities.

22. Specific stipulations and penalty provisions are required to protect wildlife resources from such dangers as harrassment.

23. A satisfactory final inspection report must be mandatory prior to an operator being issued any new permits.

24. Security deposits must be mandatory and the ceiling of \$100,000 raised.

25. Penalty provisions of the Territorial Land Use Regulations must be rigorously enforced to maximums provided for in the Act.

26. A comprehensive and equitable system of compensation to trappers and hunters for damage resulting from exploration



activity must be implemented immediately.

The above recommendations deal entirely with changes which must be made in the interpretation and administration of the Territorial Land Use Regulations to make them acceptable to native people in the Western Arctic. It does not deal in detail with enforcement of these regulations. Much evidence has been brought before you on the inadequacies of the enforcement effort under these Regulations. We believe that as long as enforcement is in the hands of DINA and beyond the control or influence of local and particularly native people, it will continue to be inadequate.

The Territorial Land Use Regulations are now almost five years old and there are still glaring inadequacies in their policy guidelines, content and enforcement. The above is only one example of the kind of changes that would have to be wrought in a single government agency before the present system could adequately do the job it is required to do now. Obviously a Pipeline project would be larger and far more complex. It would involve many other agencies. Evidence of some of their inadequacies has also been presented. While we expect to make recommendations to influence the operation of government agencies so that they can meet their present responsibilities, we feel that these agencies are incapable of taking over the administration and enforcement of environmental regulations on a pipeline project.

We do not assume that a Mackenzie Valley Pipeline will be built. However, we recognize that our preferences may not



always receive the attention we feel they deserve. Our recommendations, therefore, also include minimum stipulations which must be met if a Mackenzie Valley Pipeline is built. One of those minimum requirements is that regulations of the environmental aspects of this project could be handled adequately only by a Mackenzie Valley Pipeline Authority.

MACKENZIE VALLEY PIPELINE AUTHORITY: A MODEL

Function: The Mackenzie Valley Pipeline Authority shall:

- a) administer and enforce environmental stipulations an operating conditions to be imposed on the pipeline company and its contractors.
- b) determine compensation to individuals or groups for damage to the land or loss of income as a result of pipeline related activities.
- c) research the environmental effects of pipeline construction and operation, both long and short term.

Reporting: The Authority shall be responsible only to Parliament. It shall be established by statute. COPE specifically rejects an authority within DINA or under its





effective control. The Authority shall report its activities publicly each month by listing actions taken such as operation suspensions, prosecutions initiated, reprimands given, number of oil spills reported, number of oil spills observed, etc. The Authority shall issue a semi-annual public report. All activities of the Authority shall be subject to public review.

Composition: The Authority shall consist of a Chairman and a small number of members. Together these individuals shall form the Authority's Board.

The Chairman shall be a professional environmentalist. He or she may be recruited from government ranks. He/she shall be chosen by a group consisting of representatives of the Department of the Environment, the Department of Indian and Northern Affairs, native associations, NWT Fish and Wildlife Service. Government agencies and native associations shall all propose lists of acceptable candidates. The appointment must be subject to veto by native associations. Upon the recommendation of this group the Privy Council shall make the appointment. The same committee shall review the appointment one year after it is originally made.

Membership on the Authority Board shall be a full time position. There will be no seats (other than that of the Chairman) filled by government employees. Members of the Board shall include a representative of each of the Inuit and Dene organizations. Environmental interest groups shall



have one member. The pipeline companies shall not be represented.

Funding: Funding shall consist of monies from the pipeline company and Treasury Board. Not only the general public but users of the gas should have to pay for protection of the northern environment. The budget shall be reviewable, but the Authority must be funded at levels adequate to do the job. It is absolutely unacceptable to Inuvialuit that government use the excuse that no money is available to do an adequate job.

Staff: The Authority shall hire or have seconded to it full time staff to provide the following:

Design Review: This group must consist of technical, legal, and scientific staff who must ensure that final design meets the requirements of the stipulations.

Inspection and Surveillance: These individuals would be the equivalent of both the Alaska JFWAT team and Environment Ecology Inc. This group shall consist of erosion specialists, water quality people, vegetation experts, fisheries biologists, and fisheries engineers, mammalogists, ornithologists, sanitary engineers, and others. The inspectors would act as both problem finders and policemen.

Evidence from Alaska has pointed out the importance of both the professional background and personability of inspectors. They must be independent people who will



not be intimidated by industry and who understand the consequences of the operations they are regulating. The present DINA Land Use Section which enforces the Territorial Land Use Regulations fails to meet this minimum requirement (Beakhust).

Snow Road Expert: This individual shall advise the inspectors regarding snow road construction and maintenance. He will establish start up and shut down dates for each spread.

Legal Advice: Specialists in environmental law must be available on an on-going basis to inspection teams. Evidence from Alaska (Zemansky) indicates that government attorneys have neither the time nor expertise to fill this role. The Mackenzie Valley Authority will have to rely on its own legal staff both for advice and the prosecution of stipulation violations.

Compensation Review Team: A permanent staff will investigate complaints regarding damage and will report to the Board recommending necessary research and outlining measures which should be taken in compensation.

Research and Monitoring: This group shall advise the Board on necessary research to determine the actual impact that construction and operation of the pipeline are having. It shall establish a network of sites in tundra and boreal forest to monitor environmental change which occurs as a result of pipeline activities.





Appeal Route: Appeal on Authority decisions shall be to the court.

Life Span: The authority must be mobilized and trained early enough that it can grow with the requirement for its services. Evidence of Templeton and Doyle (30110 ff) states that an 18 month delay is required between approval of a single route and company and the actual allowable date of construction start up. We agree with this recommended delay although we do not wish to say how long it should be. It must be long enough to implement Inuvialuit recommendations. The Alaskan experience has pointed out some of the hazards of late-appearing surveillance personnel. (Norton). The Authority must, as Templeton suggests, be phased into operation slowly and reach its full strength at the onset of construction. During operation of the line the Authority will have a much reduced role and its staff should be reduced. It shall continue to be phased out as research projects are completed.

Jurisdiction: The Mackenzie Valley Pipeline Authority shall enforce all environmental stipulations relating to construction and operation of the Mackenzie Valley Pipeline and to the construction and operation of gas plants and flow lines in the Mackenzie Delta. The enforcement of existing statutes and regulations remains a problem. It appears to us that the single agency should be enabled to enforce existing legislation as it applies to pipeline activities. This might be



achieved by seconding personnel of those agencies to the Mackenzie Valley Pipeline Authority; by appointing officials of the Authority to these agencies; or through the appointment of liaison officers in both the Authority and the existing statutory agencies.

The area of jurisdiction of the Authority is also a problem. For a number of reasons COPE is not prepared to recommend what size this area should be. We fear that if a pipeline corridor is outlined as so many miles wide, other facilities may be placed in this corridor simply because it is regulated. Furthermore, any corridor established prior to the land settlement would interfere with traditionally used land which may later be selected. Finally, we are concerned that the Authority should have jurisdiction over all pipeline related activities wherever they occur within or outside a specified area of land.

Powers: The Authority shall ensure compliance on the part of the company, and all of its primary and secondary contractors, with the stipulations laid down under any Mackenzie Valley Pipeline Act.

The Authority shall ensure compliance with all environmental stipulations and have the power to suspend or shut down all or part of the project if its demands are not met. It may initiate prosecutions, demand design changes as a result of observing inadequate procedures, enforce appropriate



legislation, enforce permit stipulations and add stipulations to permits as required to deal with unanticipated contingencies.

Enforcement: A key factor in enforcing environmental stipulations is the ability of the inspecting agency to enforce sanctions against the operator. This may take the form of prosecution and/or shut down. Despite the best intentions of both applicants we believe that once begun the pipeline project will develop an awesome momentum. Much of the evidence before the Inquiry suggests that the pipeline operation cannot be stopped once it has begun. This proposition is unacceptable, although we view complete shut-down of the project as a remote possibility if the stipulations are scrupulously followed. While the threat of shut-down is a powerful deterrent, the Authority must nevertheless be able at any time to delay portions of the project--until the following year if necessary--for environmental reasons. Such a stoppage would be for environmental, not punitive reasons.

Inspections: A team of inspectors shall be assigned to each construction spread or work site. They will carry out thorough pre-inspections before any work begins and an inspector shall always be present when work is underway. Inspectors will be supported by supervising personnel who will ensure a uniformity of practice between the various inspection teams.

All inspectors must possess:

1. A sound scientific and technical knowledge of





northern forest and/or tundra environments

2. Knowledge of the geography and ecology of the area in which they will be working;
3. A firm grasp of the techniques and types of operation they will be regulating;
4. Basic inspection skills;
5. Sufficient legal training with respect to the gathering of evidence that they can provide a basis for the effective prosecution of stipulation violations.

Some inspectors may be required to have specialist training and all of them must have direct access to specialists on the staff of the Authority.

Inspectors must be granted access to any place or premises related to the pipeline as may be necessary to ensure that the Authority's stipulations are being complied with.

The Authority must have the power to compel the production by subpoena if necessary, of witnesses and documents it requires to carry out its mandate.

The orders of an inspector must be followed immediately. Pipeline personnel assigned as contacts with the Authority shall always be on site to ensure that an inspectors' orders are clearly understood and obeyed. Failure to comply with an inspector's instructions shall be a statutory offence carrying severe penalties for individual offenders, their supervisors and responsible management.

Inspectors shall have the power to recommend changes in procedure, order temporary suspensions of an operation, and



in extreme cases shut down an entire spread or work site. In the case of suspensions or shut-downs the inspector's orders shall be followed immediately and be subject to later confirmation by the Authority's Board.

Inspection staff can function well only if they are fully qualified and confident, and backed by a determined Authority Board willing and able to mobilize the law and public opinion to support them. We consider these to be minimum conditions required of any enforcement structure associated with regulating construction of the pipeline.

Monitoring Research: The Authority shall select monitoring sites in both tundra and boreal forest areas. Baseline data on the preconstruction condition shall be collected during the period between approval of a pipeline and the beginning of construction. Control sites as well as experimental plots must be set aside. Reserves should include a variety of terrain and vegetation types, slopes and streams.

Monitoring research must include an annual photo census of the Porcupine Caribou Herd, and the collection of demographic data on the herd.

If any route crossing the North Slope is approved, similar data must be collected on snow geese.

Data on distribution, numbers and population parameters of beluga whales must be collected if the Cross-Delta Route is approved.

The Authority may require that other monitoring research be done.



Measured impacts of pipeline construction and operation shall be compared with predicted impacts in an attempt to refine the environmental assessment and regulatory process.

Compensation for Damage to Renewable Resources: Money is neither an appropriate nor an adequate compensation for loss of the use of renewable resources by native people. However, individuals or groups deprived of food or income because of nonnatural population declines, or damage to traps or nets, must be enabled to support themselves.

Consultation among the Authority, communities, and native organizations must outline an appropriate way of providing compensation.

The Authority shall be responsible for recommending the type and amount of compensation, which may include but not be restricted to:

1. financial payments
2. rehabilitation of damaged areas
3. restocking of populations
4. provision of alternate protein sources.

If environmental stipulations have been inadequate to safeguard populations, even though the company has complied with all stipulations, the government shall be responsible for providing compensation as required by the Board.

Irretrievable damage, such as loss of a way of life or complete loss of a hunting or trapping area, must be dealt with as part of land claims negotiations.



Wildlife Research: Future research on the environmental effects of proposed major projects (pipelines, offshore drilling, etc.) may be required to be paid for by the proponent, but must be controlled by public agencies or native organizations. Results must be published as soon as available and disseminated to affected parties within the area as well as to the scientific community (Cross ref. to consultation). Local interested parties must be involved in the planning for such assessments as well as their results.

A program of long term research on environmental matters in the north must be initiated by responsible agencies in consultation with the native organizations. The objectives of this research will be to:

1. provide a background of information which can be used in assessing likely effects of proposed land use operations on Inuit and Crown lands;
2. break the present pattern of "reactive research", i.e. baseline research done only in response to specific project proposals on an unrealistically short time scale;
3. with the appropriate hunters' and trappers' associations, develop a management plan and population monitoring system for locally exploited populations of fish, marine mammals, large game and migratory birds.

Management plans for the Porcupine caribou herd, Blue-nose caribou herd, Mackenzie Estuary beluga whale population, the Western Arctic snow geese, and the Arctic





char population which is exploited by people from Aklavik, must be developed and in operation prior to the construction of any Mackenzie Valley Pipeline. These plans could be developed in the proposed interval between approval of a pipeline and the beginning of construction. During or prior to construction, management plans must be developed for other harvested species in the Delta including waterfowl, whitefish, and so on. At the same time management plans must be initiated across the Arctic with the following order of priorities:

- i) population harvested by Inuvialuit and at risk because of actual or proposed developments;
- ii) Non-harvested populations which are at risk because of an actual or proposed development;
- iii) populations used by Inuvialuit for subsistence and commercial purposes where there is no proposed development.

Management plans will be reviewed and revised as necessary, or at five year intervals, by the appropriate agency in conjunction with the Game Advisory Council, or as required by a land claims settlement.

Prior to the construction of a pipeline or any other major development, including highways, a comprehensive program for the assessment of actual effects of construction and operation must be outlined by scientists responsible to the public. Any necessary preliminary baseline work will be done prior to construction beginning. A necessary part of each project



will be the comparison of actual effects of the project with predicted effects and a discussion of how preconstruction environmental assessments can be improved. This work must be done by a public agency or its contractor.

Research teams must include native peoples as on-the-job trainees. Extra time for the training function must be built into the research plan.

All proposals to do with wildlife research in Inuvialuit lands shall be subject to approval by the Game Advisory Council and the local hunters' and trappers' associations. In case of a dispute over the necessity for, or the value of, the research between the proponent department and the native representatives, the proposal shall be referred by the native representatives to an independent scientists of recognized stature for review. The reviewer must be acceptable to both parties. However, Inuvialuit may continue to prevent any project from occurring on their own lands.

All research reports shall be public documents. Each scientist shall be responsible for the production of a simplified abstract of his findings which can be made available in basic English.

Third party "information tours" contracted by industry shall not be allowed. Written or oral material presented to communities must be presented by or under the control of researchers directly involved in the project.

Responsibilities of Industry: Industry obviously must regulate its own activities. However, in light of the Alaskan



experience, it is difficult to recommend a mechanism by which this can be done effectively. (Zemansky ) The extra damage which results from failure of quality assurance and quality control is totally unacceptable to us and must be prevented by Authority supervision and monitoring. The responsibilities of the pipeline company in regulating its own affairs include but are not limited to:

1. ensuring that the contractor has an up to date copy of the design;
2. ensuring that work is done in accordance to the design;
3. ensuring that the contractor meets appropriate environmental stipulations while doing the work as well as having the work meet required standards when completed;
4. ensuring that the work meets required standards of quality, e.g. that welds are adequate ( ).
5. policing activities of the contractors to ensure that they are meeting the requirements of the contract.
6. having their own environmental inspectors to ensure that stipulations are met and that requirements of the Authority are translated correctly through the management and working levels of the contractor's operations.

Education: There shall be an education program for all employees of pipeline companies or subcontractors or contractors. It shall be paid for by industry and run by pipeline authorities after being approved by the Authority Board.





Courses for different levels of worker and management shall be of different length and sophistication in relation to their capabilities for causing or permitting environmental damage. Attendance shall be compulsory. Funding shall be from the pipeline company. The curriculum shall include as a minimum:

1. the capability of each individual to inflict damage on the environment;
2. the consequences of common failures to act according to stipulations; (a) to the environment  
(b) to the individual (i.e. legal sanctions);
3. background information on northern events and original peoples and their cultures. This part of the program shall be conducted by native organizations if they wish.
4. a continuing education program shall include informal seminars, movies and slide shows in the camps.

Information Exchange: (Cross ref. to Community Consultation):

If the special instance of pipeline and ancillary facilities which will be in the neighbourhood of established communities, it shall be up to the community to decide how much direct participation it wishes to take in decisions about the siting of wharfs, staging sites, sewer facilities, etc., and how much it wishes to rely upon its representatives on the Authority for such input.

The Authority shall be responsible for drawing up a list of facilities and circumstances which each community may influence. The community shall inform the Authority about



the extent to which it wishes to be involved in these decisions or leave them to its representative on the Authority Board. Technical Assistance to communities shall be provided through the native organizations and shall be publicly funded.

Responsibility of the Public: If the Authority Board as proposed above is adopted, there should be no Need for an auditor group such as that outlined by the EPB. We recommend that such a group be formed to insure that the Authority does its job adequately, however, the Inuvialuit place, as major land owners in the north is in policy and decision making forums--in a position of control. An auditor group, could include such groups as The Northwest Territories Association of Municipalities, The Chambers of Commerce, environmental organizations, and other groups which wish to be represented. Its function would be that of policing the police. It would have access to all documentation and reports. It would be provided with transportation to inspect the monitoring, surveillance and enforcement effort as required. It would produce public reports on the adequacy of the job done by the Authority.

Construction Schedules: Considerable concern has been expressed about whether proposed construction schedules are realistic, and whether the line can be built in three years and still include all appropriate environmental safeguards. Prior to construction (during the delay period) the successful applicant



shall submit a proposed schedule for the entire project, including estimates of the time required to complete each part of the project. The schedule must also indicate what time is available for delays in each segment, whether caused by logistical problems, environmental factors, or Authority shutdowns. An outline of the critical path shall accompany the schedule along with an outline of circumstances which would place the company under severe hardship if delays are required. The company shall provide worse case scenarios (cross reference to: Enforcement), and shall outline its preferred method of dealing with such contingencies. Regulatory agencies, including the Authority, shall have 180 days from the time the construction schedule is submitted to them to respond to it, and may require that construction be spread out over a longer period of time than the applicant anticipates.



## ROUTING

In our argument on routing, we propose to do two things:

1. We will deal with the problem Inuvialuit have in responding to the various routes and route changes which have been put and continue to be put before various public boards. We will suggest ways that the route selection process can be a response to public planning.

2. We will respond in a general way to the various routes and in a specific way to the proposals which the applicants have placed before this inquiry.

The problems of responding to given routes for pipelines which have arisen since the publishing of the guidelines, which have continued through this Inquiry's proceedings, and which promise to continue are:

- a) Four applications to construct northern gas pipelines are presently before tribunals in this country and the U.S.A. Two of these, if approved, would likely mean that no pipeline would be built in the Mackenzie Valley for a number of years.
- b) Since the Inquiry began, Arctic Gas has changed 50% of its route including relocations with major environmental consequences (Cross Delta). Because of its present uncertain position regarding frost heave, we may see many more. Foothills has also proposed important realignments and has shown its route selection to be in a very preliminary stage. Clark





(19a, 2238) stated that route alignment is a matter for final design, that river crossing locations must be designed before the overland links can be finalized. We are faced with the probability that many of the site-specific recommendations of the Inquiry may not be applicable to the final alignment of the successful applicant.

- c) Despite industry's contrary contentions, we submit that pipelines and other industrial facilities are incompatible with some other land uses and pose unacceptable risks to some lands and waters. Minor route changes such as those proposed to deal with site specific problems (e.g. peregrine falcon eyries) will not adequately solve many environmental problems.

Imposing specific and rigorous stipulations and regulating as strictly as possible will not make each land use compatible with all others. Neither will the most sophisticated contingency plans or compensation mechanism provide the cure or somehow make the risks worth taking.

- d) The Pipeline Guidelines envisage that gas and oil pipelines can and will be located along the same routes and close to one another. However, there is no consensus on the wisdom of developing corridors. Nor is there agreement on the nature or magnitude of the possible impacts. In addition, some routes may be



acceptable for one facility and not for others.

- e) In the western Arctic, land is being committed piece-meal for uses which preclude its selection for others. No co-ordinated efforts have been made to set aside areas which are necessary for the maintenance of traditional life styles. In fact, there is evidence before you that there have been concerted efforts by government and industry to prevent such designations.
- f) Planning is inadequate for the present level of activity and nobody seems to understand what land use planning should be or how to prepare a land use plan for the Mackenzie Region.

If the demand for a Mackenzie Valley Pipeline is not now as strong as it was two years ago when this Inquiry began its work, we may have an opportunity to address these problems with a comprehensive plan rather than planning the future of the Mackenzie Valley by responding to a pipeline proposal.

We recommend a single solution to these problems - a land use plan should be developed for the Western Arctic (see Land Use section).

#### THE CORRIDOR CONCEPT

The pipeline guidelines visualize that transportation facilities shall be routed along a "corridor". As we understand the term, it refers to an area of undetermined width which stretches between a production area and a manufacturing



area. Through this zone, transporation systems (gas and oil pipelines, highways, electric transmission lines, railroads, etc.), are roughly parallel to one another.

Biologists do not agree whether corridors are appropriate or not. Evidence before the Inquiry has conflicted, saying effects of corridors may be multiplicative or additive. Alternately, it has also been suggested that the impacts of a second facility may be less than otherwise to the extent that some ancilliary facilities can be shared by both projects.

No scientific assessment of the corridor concept has been attempted, so only speculation on the corridor's impacts on the environment can be attempted. In the absence of scientific evidence regarding impacts of corridors, COPE's Board of Directors recommends that transporation facilities be assessed on an individual basis and that after adequate assessment of potential environmental damages, industrial facilities should be restricted to as small an area as possible.

#### UNSOLVED PROBLEMS

Applicants before this Inquiry have been unable to prove that they are capable of building northern pipelines. No permit for any pipeline in northern Canada should be issued until it can be proven that :

1. snow roads can be built, maintained and used for construction in tundra areas;
2. frost heave can be controlled by a method which is not





harmful to the environment. Assurances of scientists are not adequate. Data must be provided which can be tested experimentally by third parties;

3. winter construction will be able to meet proposed schedules, allowing for cold weather and delays for environmental reasons.

#### MINIMUM REQUIREMENTS FOR NORTHERN PIPELINES

Regardless of the timing of approval of any northern pipeline, this Inquiry should make recommendations of general applicability to any northern route as well as recommending that specific stipulations apply to specific routes.

Our recommendations for northern pipelines are based on the following criteria :

1. pipeline construction activities are unacceptable in certain geographical areas;
2. construction activities are unacceptable at certain times of year for environmental reasons;
3. construction activities may cause unacceptable disturbance of certain species of wildlife;
4. the fact that some construction has already been allowed in an area does not necessarily mean that other construction projects in the same area are acceptable.

Proponents of development appear to think that if proper safeguards are taken, industrial activity is compatible with any and all environments.- witness the Beaufort Sea offshore drilling debate, the drilling in the Kendall Island Sanctuary and the plans to dredge Tuk Harbour.



We submit that resource development activities are not compatible with every landscape. Environmental values cannot be maintained in all cases by regulating the activities of developers. Prior to the approval of any pipeline application, exclusion areas must be outlined and protected by legislation. This Inquiry has heard considerable evidence that in some locations a gas pipeline would be acceptable but an oil pipeline or transportation corridor would not. However, the COPE Board of Directors feels that if one facility, i.e., a gas pipeline, is allowed to proceed, it may be impossible to stop others. Any areas in which corridors are unacceptable are therefore, also unacceptable for single facilities.

Some locations in which development is acceptable during some parts of the year require special protection or avoidance during other times. Many of the critical periods concern natural phenomenae, the dates of which cannot be pinpointed. These areas must be located and early and late dates of avoidance or restrictions must be established prior to a permit being issued. If the project is unable to proceed within that framework it must be located elsewhere.

The requirements listed below are considered by us to be minimum requirements which should apply where applicable to any natural gas pipeline built in the north. We recognize that the Berger Inquiry may have been a phenomenon which will not be repeated. We have, therefore, prepared this list of recommendations which may be drawn on as applicable to pipelines in



general expecting that Inuvialuit or other native groups may wish them to be applied to other pipeline projects elsewhere in the North.

The recommendations which follow are based on two assumptions: (1) that if an oil pipeline is to be built, another Inquiry will be held and new sets of stipulations will be written, and (2) that standard mitigative procedures will be established by the pipeline company and approved by the Authority before construction begins.

Snow Roads: Proponents of both pipelines have inadequately dealt with the problem of snow roads. Since the impact of a successful snow road should be considerably less than that of a permanent road, the impact of the pipelines proposed to be built by applicants before this Inquiry is dependent upon them being built from an adequate snow road.

Therefore, prior to any permit being issued, the applicant must prove that:

1. snowroads can be built without degrading underlying vegetation;
2. snowroads can be built and maintained to standards of depth and hardness adequate to support heavy vehicles that are required in pipeline construction;
3. snowfall, snow manufacturing, snow harvest, and formation of ice will provide enough material to construct a snow road without adverse impacts on the environment.



Erosion: Erosion must be minimized by avoiding sensitive areas, by the timing of construction and by using appropriate construction techniques. Companies must prove that they can stabilize disturbed areas, prevent run-off from channelling across or along the right of way, and control thermal erosion.

Terrain and Drainage: Surface and subsurface drainage across the pipe must be assured prior to an application being approved.

The applicant must show he is capable of stabilizing thaw slopes and avoiding terrain damage beyond the right of way.

If disturbance to terrain or mitigative procedures occurs by a third party after the pipeline is built, then the permittee should be responsible for repair.

Gravel Mining: Prior to granting a permit for a right of way, the Federal Government in consultation with the communities must reserve gravel deposits near each community in excess of projected community needs. A priority system for use of gravel resources must be developed and implemented by the Federal Government and the communities in concert. Any pipeline company or other industrial user with a gravel requirement which appears to conflict with community needs must use other deposits either further from the community or ones of lower grade material. Gravel pit development plans must include:

1. an assessment of the quantity and grade of material in the area;





2. an indication of the amount of each grade that the company intends to use;
3. rehabilitation techniques planned including spoil disposal, drainage and re-vegetation;
4. any other uses proposed for the pit after gravel removal has been completed, e.g. sanitary land fill;
5. a site specific environmental assessment of the operation, including for appropriate sites: proximity of fish spawning areas, feeding, nursery, and overwintering areas; times of fish migration, size and importance of fish population, domestic or sports fishery involved, bird breeding and staging areas, mammal winter ranges;
6. estimates of competing requirements from communities and/or other users.

Gravel must not be mined within two miles of a raptor nest except prior to March and after August. Rock mining for aggregate must never be done within two miles of known raptor sites (it is important to realize that nest sites which are not used for one or more years have not necessarily been abandoned. Even though species such as rough-legged hawks and golden eagles are not considered endangered, their nests and the nests of ravens may be used in other years by falcons. (White, C.M. and T.J. Cade, 1971. Cliff Nesting Raptors and Ravens along the Colville River in Arctic Alaska. Living Bird. X: 107-150.)



Gravel must not be mined within two miles of "traditional" dens of arctic foxes unless mining is done during nondenning periods. If gravel is to be mined in a fox denning area, dens must be located and marked in the fall, and the mining operation must stay at least one quarter mile from all den sites, used or unused..

If the permittee wishes to mine gravel on flood plains, it is incumbent on him to demonstrate by studying and documenting actual operations that the environmental effects of such mining will be equal to or less than the effects of mining upland areas. We do not think this has been done, and have expressed concern about operations on the Sagiunirktok River.

Gravel pits shall be restored and/or revegetated to a stable condition when mining is complete.

Water Removal: Proposals for water use from streams and lakes must be weighted against but are not restricted to:

1. occurrences and distribution of fish species at different times of year;
2. use of the area by birds;
3. size of lake, discharge of the inlet to the lake;
4. discharge of spring or river;
5. period of withdrawal;
6. amount of water required;
7. amount of draw down of lake;
8. period of time required to recharge the lake;
9. area of lake affected;
10. effect of draw down on bird and fish populations.

In winter water may be removed upstream of fish wintering or



spawning areas only if adequate flows of water over these areas are guaranteed. In such situations the permittee must be prepared to stop taking water if fish and/or eggs may be threatened.

Priorities must be established by communities and native organizations in conjunction with the Federal Government for the use of water. Priorities should be in the following order:

1. a guarantee for water supplies for down stream areas important to local fish populations;
2. supplies of potable water to communities;
3. supplies of water to outpost fishing and hunting camps;
4. other uses in an order to be determined by consultation with the communities.

Water Quality: Standards for water quality must be developed prior to the granting of a permit.

Toxic Compounds: Lists of toxic fluids and chemicals to be used on the project and all possible alternatives must be available to the pipeline Authority before construction begins and before permits are issued authorizing the use of these chemicals and fluids.

Toxic or potentially toxic material shall not be disposed of in land fill sites.

Other Resources: Resources in short supply, other than gravel



and water may be required by communities. Community requirements must be assured before industrial needs are met. A system of priorities for such substances must be developed in consultation with the communities. Examples are: timber and sand in the Delta.

Siltation: The "Rengling River Disaster" demonstrated that effects of siltation may be felt at least 10 miles downstream of an insult to the environment. Culverts and river crossings are major sources of silt which can have detrimental effects on fish population and benthic invertebrates. Siltation must be minimized by any project operating within or beside water bodies. In addition, numerical standards of allowable silt lodging for different kinds of waters must be established by the Authority. Projects which do not meet such standards may be stopped at final design review or in progress or may be subject to punitive action. Under no circumstances may silt deposited in addition to natural loads exceed the capability of the stream to remove it during the spring freshet.

We are unable to develop criteria to decide which drainages require individually designed river crossings and which do not.

Crossings which are individually designed must be submitted to the Pipeline Authority for approval.

Each design must be accompanied by an environmental statement which includes but is not limited to:

- 1) occurrence and distribution of fish species at different times of the year;
- 2) minimum winter flows;





- 3) water quality;
- 4) oxygen content;
- 5) normal sediment loads;
- 6) anticipated effects of the crossing and their duration;
- 7) timing of construction and ditching;
- 8) mitigative procedures which may lessen impacts.

Revegetation: Evidence before the Inquiry has emphasized the importance of revegetation of disturbed areas both to retard thermal erosion and to prevent mechanical erosion by water. Proponents of any project will disturb large areas of tundra or boreal forest must demonstrate the capability to revegetate the disturbed areas. Pipeline companies must be able to revegetate the spoil mound, bare parts of the right of way, gravel pits, and any other disturbed areas. Evidence to this date does not convince us that they have that capability, or that they will necessarily consider revegetation a priority. Revegetation and restabilization of stream banks must be a top priority activity.

Use of Vehicles: Because of their long range and extent of use in the north, aircraft have far more potential for direct and indirect damage of animal populations than any other transportation equipment. Use of aircraft must be strictly controlled by both the Ministry of Transport and the pipeline company. Failure to comply with company or M.O.T. regulations except in cases of personal danger must result in dismissal



of the pilot plus a fine. Regulations should include, but not be limited to, the following;

- 1) deliberate buzzing of animals is forbidden;
- 2) flights between designated points (e.g. construction camps) and supply centers must be restricted to defined corridors;
- 3) detailed flight plans must be filed for all flights. Stopovers and straying will not be allowed. Times required for specific aircraft to fly specific routes will be established. Delays which cannot be attributed to weather conditions must be explained or dismissal of the pilot will result;
- 4) regulations must apply to all project related traffic including flights carrying reporters, visiting dignitaries, executives, and inspectors;
- 5) authority inspectors and monitoring teams will be exempt from scheduling requirements only when the specific nature of their work requires it;
- 6) minimum flight levels of 2,000 feet above ground level must be maintained above areas of ungulate concentrations or concentrations of waterfowl. Dates and areas of restrictions shall be established by the Authority. IFR equipped aircraft should fly 2,000 feet above ground level or higher at all times;
- 7) if flight corridors cross zones where radar is operational (e.g. DEW line sites), altitudes must be monitored through the radar. Pilots flying more



than 10% below stipulated flight levels other than for approaches, must be fined. Repeat offenders will be dismissed and not rehired for any pipeline related work;

- 8) all pilots flying project related aircraft will be required to attend seminar sessions conducted by a biologist which will outline the regulations they must adhere to the rationale behind them and the penalties for disobedience;
- 9) project related personnel (biologists, other monitors, etc.) working on the ground shall be encouraged to record infractions of harrassment regulations. Time, date, aircraft type, colour, and direction of travel will be noted. Aircraft registration shall be recorded if possible. Pilots of aircraft described accurately will be subject to prosecution and dismissal;
- 10) where possible, fixed wing aircraft shall be used rather than helicopters. This will help avoid disturbance to birds.

#### Other Vehicles:

Trucks--Trucks and cars owned, rented, or leased by the project must be used for authorized pipeline construction related purposes only. Trips to nearby towns and villages by southern employees shall be forbidden. Unless it can be shown to be a project requirement to the satisfaction of the Authority, ice roads shall not be constructed between pipeline camps and nearby towns or villages.



Boats and Hovercraft--Boats and hovercraft shall be used for authorized purposes which are pipeline related only. Restrictions may be placed on travel of boats or hovercraft in areas and at times when sea mammals, waterfowl concentration or hunters may be disturbed.

Sewage and Waste Disposal: Untreated sewage and kitchen waste shall not be discharged into rivers, streams, or muskeg areas.

Sewage must be treated by a mechanical treatment plant, then be released into retaining pools. Organic sludge may be incinerated.

At the same time, the government must improve sewage disposal and treatment methods in Western Arctic and Mackenzie Valley Communities to the same standards as the camps.

All camps must have a contingency plan for overuse of sewage facilities.

Sewage treatment shall not release substances or odors which might attract carnivores unless the area is surrounded with bear proof fencing.

Sewage effluent must be tested regularly to ensure compliance with government or Authority water standards.

Organic wastes and all flammable waste materials shall be incinerated and transported to a nearby fenced landfill site.

All waste from package lunches must be returned to camp for incineration.





Incinerators must be designed to take all the garbage produced by the camp on any given day to avoid garbage buildup. Penalties shall be imposed if incinerators are not used.

Waste metal, large size barrels, machinery, etc., shall be transported to stockpile sites to be shipped south.

#### CONTINGENCY PLANS:

Unplanned release of chemicals and fluids into the environment appears to be inevitable. Burden of proof must lie with any company wishing to work in the north to show that they can deal with the worst possible spills from their own installations. They must also demonstrate their ability to respond quickly to an emergency. Recommendations in this section must be implemented in all present and future operations on and offshore in the COPE region.

The permittee must present contingency plans for the following events which must be approved by the Authority before construction is begun :

1. shortage of water on the North Coast;
2. shortage of snow for construction of winter roads;
3. inability to construct, use and maintain snow roads for pipeline construction;
4. forest fires;
5. line breaks in summer in permafrost;
6. slumping and thaw settlement around the pipe;
7. massive erosion;
8. spills of all toxic fluids which will be transported or stored by the pipeline company or its contractors.



Methanol: If methanol is to be used as a freeze-depressant for pressuretesting, dikes or berms must be constructed at strategic locations to prevent the solution from entering a stream or a lake if rupture occurs. Such dikes would be built only where testing fluid would drain into a water course in the event of a break and must be in place prior to testing.

The permittee must demonstrate to the satisfaction of the Authority that his contingency plans will prevent contamination of water courses in the event of spill during testing. If the plans are considered inadequate, the permittee must be prepared to test with warm water.

Methanol used for testing pipe must be distilled and recovered. Disposal may include burning as a fuel or shipping south.

Used methanol (1% solution after distillation) must be tested prior to release into the environment to determine what concentrations of contaminants it picked up from the pipe. Alternate methods of disposal must be approved by the Authority ahead of time. The Authority will advise the company on acceptable methods and sites once the used solution has been analyzed.

Fuel Storage and Transfer:

1. Storage sites for potential toxicants, including refined fuel, must be surrounded by impermeable dikes capable of holding 125% of the storage volume plus runoff when tanks are in place.
2. Hoses, nozzles and other dispensing equipment must be



surrounded by impermeable dikes capable of holding 125 per cent of the storage volume plus runoff when tanks are in place.

3. Hoses, nozzles and other dispensing equipment must be continually inspected for leaks and spills. They must also be stored within the dikes.
4. All operators using diked fuel storage must demonstrate the impermeability of the dike and the wearing ability of plastic liners under severe temperatures.
5. Storage and transfer of fuels must be at least  $\frac{1}{4}$  mile from a watercourse.
6. No waste may be disposed of outside a designated area.
7. All waste fuels, lubricants, etc. must be incinerated.
8. Containers of toxicants shall not be washed in streams or lakes. Discharge water from such washing must not be disposed of in any near watercourses. It shall be disposed of at designated locations.  
  
The area of transfer must be boomed when fuel is being transferred to or from barges.
9. The permittee must present rules to contractors for the storage and use of toxic chemicals and fuels and enforce them.
10. Tanker traffic through the Beaufort Sea to provide fuel to northern spreads will not be allowed.
11. Prior to the granting of any permit to build gas plants, the applicants must outline their plans for fuel and chemical transport and storage.



Producers must supply the appropriate government agency with lists of all chemicals to be used on their sites, outlining the effects on northern ecosystems of chemicals which have been tested and undertaking to test the rest.

The pipeline, producer and drilling companies must present the appropriate agency (the Authority in the case of the pipeline) with a list of toxic substances they wish to use plus a list of possible alternatives.

Spills: The pipeline companies, the producers who hope to operate the gas plants, and Dome Petroleum's offshore program, all plan to use the Delta Emergency Protection Unit (DEPU). Hence, its capability as well as the capabilities of various applicants to clean up spills must be assessed. The permittees must demonstrate the adequacy of their plans and their capabilities for carrying them out. They must demonstrate among other things that there is sufficient equipment to adequately serve three emergencies occurring simultaneously. (Nicol in cleaning of equipment)

DEPU or the companies must have a comprehensive, adequate contingency plan for the Delta, including plans for dealing with worst case spills under the following circumstances:

1. spills at gas plant locations under storm surge conditions;
2. blowout of oil at offshore drilling site in fall;
3. spill in Mackenzie Delta during spring flood.

Permittees (pipeline, company, producers, offshore drill





lines) must have their own contingency plans. These plans must be co-ordinated with those of DEPU or any other operator or agency from which specialized equipment or trained personnel might be required.

Contingency plans should follow the format, and include but not be limited to, the subject areas outlined by Pettigrew.

Contingency plans for all spills must deal with the problem of shoreline cleanup in the Beaufort Sea, outlining areas to be cleaned, areas to be left and methods to be used.

Pollutants in flowing water or in the ocean may be directed into lakes or lagoons with booms. Designated areas must be chosen ahead of time. Approval of selected sites by the local native organization or nearby community will be required.

Appropriate government agencies must identify sites for disposal of contaminated material (recovered sludge, absorbants, etc.) should a spill occur. Development of criteria for such locations and determination of locations shall be carried out with input from native organizations prior to the authorization of further activities in the area.

After contingency plans for dealing with accidental discharge of toxic fluids have been established by the gas pipeline company, the producer companies, offshore oil drillers and DEPU, they must be co-ordinated by government with its own plans on a regional basis. It will be the responsibility of Environment Canada to assess the adequacy of these plans after soliciting public review of them,



particularly from native and environmental organizations.

A government backup contingency plan and team must be available prior to further development in the Western Arctic

The appropriate government agency must develop specifications for training, retraining and practicing of contingency plan teams, in both industry and government.

An oil spill "fire drill" must be carried out either by each permittee or in a co-ordinated way by all operators at least every 6 months. At least one "fire drill" should deal with a projected major spill in the Beaufort Sea. The plan must be tested under operational conditions as much as possible without causing environmental damage.

Equipment must be tested and checked every-month, to ensure it is in good condition and to ensure that it is readily accessible at stockpile sites. (Zemansky)

Company contingency plans must include barge transport and transfer of fluids to and from shore installations. If a common carrier has an accident, the permittee must mobilize his men and equipment if requested to do so.

Contingency plans should not include bird rehabilitation programs since, in the opinion of recognized ornithologists, a cleaned bird has little or no chance of survival.

Small spills of toxic substances must be treated as seriously as large ones. Repeated small spills may have cumulative effects. 4

Cleanup of fuel spills (even small ones) must take priority over regular operations.



There must be one or more individuals on each spread, gas plant or drilling rig at any time who has the authority to act once a spill is reported.

Equipment and material for dealing with emergencies must be available or nearby. Equipment for dealing with small spills must be available near each fuel storage area.

The companies must indicate in their contingency plans the time realistically required for each aspect of the operation. Worst-case scenarios must be presented and considered by the companies in their planning.

Use of dispersants as a cosmetic device will not be tolerated.

A combined industry-government research program designed to find methods of cleaning up oil spills under Arctic conditions in different seasons must be instituted. (see section on wildlife research)

Contingency plans must be updated annually in response to advances in research.

Containment and cleanup procedures must be tested under the seasonal and weather conditions in which they are anticipated to be used. This does not mean that controlled spills are acceptable to COPE.

Other operations in the north, including government agencies and crown corporations, must meet the same standards for spill cleanup capability (in relation to their potential for spilling) as a pipeline permittee.

Personnel manning telephones and radio operators must be informed of whom



to notify in the pipeline corporation if a leak or spill is spotted by a member of the public.

A spill emergency phone number must be circulated to government agencies concerned with spills of hazardous substances from a Mackenzie line into the environment.

A documented system of regularly scheduled inspections of the pipeline facilities must be carried out by the proponent staff to check for fuel leaks or spills at key areas. Systems of automatic alarms for warning of tank farm leaks or oil transfer operation spills must be installed.

A spill notification and information system, must be instituted in the proponent organization to inform appropriate senior staff and concerned government agencies and potentially affected or involved Mackenzie Valley or Yukon North Slope industries, native and hunters' and trappers' organizations and municipalities about spills and to keep them informed on containment and clean-up activities.

Notification should be done through a specific pre-designated proponent dispatcher or his alternate so that the personnel directly concerned with the spill problem along the pipeline can proceed with the job of controlling the spill.

Containment and Counter-measures: The proponent must be a member of the National Emergency Equipment Locator System which is termed NEELS. This is a computerized inventory bank of cleanup equipment available in Canada.

Every effort must be made to contain any spill on land





before it flows to any water body. Consideration should be given to fabricating and installing spill barriers in surface run-off ditches and depressions likely to catch oil or chemical around some facilities.

A spill must be removed quickly from drainage ditches or tank farm containment dike areas by using pumping systems with skimming heads and commercial or natural absorbants. Recovered material may only be disposed of by removing to contaminated ground for burning under permit. In the case of bunker oil, a continuous absorbant belt, special absorbant application, or even rake and shovel operations may be necessary.

In the event that containment action fails on land and a stream or river channel operation is necessary, booms must be deployed at critical points along appropriate shorelines such as across the entrance to important waterfowl and fish resource areas and key water intakes for communities, small boat wharves, bird staging sites and domestic fishing areas.

Booms must be deployed in river channels at predetermined sites or prepared access points to contain the spill where the current is not too strong, or to deflect the oil to predesignated collecting areas along the shoreline if the river flow velocity is high. Booms must be deployed anywhere in larger water bodies where oil can be trapped and recovered. Skimmers may be used to collect oil which has been diverted towards them by means of booms.

Booms must be deployed along the Mackenzie River and the Delta or in the Beaufort Sea to protect key wildlife, fisheries, and



harbour areas.

Any special methods for cleaning up oil from ice-infested waters and oil under ice which might result from experiments being carried out in the Beaufort Sea program should be incorporated into the Mackenzie Valley pipeline action plan if and when they have proven their adequacy and practicability.

Fish: Prior to allowing the modification of the environment by a project such as a pipeline, specific harvest data should be gathered on the domestic fisheries. If this is not done, compensation for probable loss of catch must be granted to Inuvialuit claimants unless the developer can prove the loss was not caused by his project.

Crossings of streams in which fish have not been found must be handled as though fish had been found.

Streams must be crossed downstream of known spawning beds and overwintering areas.

Water must be removed only downstream of spawning and overwintering areas.

Culverts and other permanent installations in river beds must be checked at all times of year that fish are present to determine that water velocities do not exceed the capacity of migrating fish to travel through or past them.



Temporary blockages such as berms built for pipeline crossings must be checked to ensure that fish are not piling up on one side. If large numbers of fish are prevented from crossing, construction must be halted to allow them to pass.

Maximum allowable levels of suspended sediment shall be established for different streams classifications based on tolerance of different species of fish, and benthic invertebrates.

Wildlife: Harassment or deliberate disturbance of all mammals and birds from aircraft, other vehicles or on foot is prohibited. Feeding of wolves, bears and foxes shall result in immediate dismissal of the offender and a black listing of the offender from working for the pipeline company, its contractors and subcontractors. If black listing is not possible feeding shall result in charges being laid under appropriate legislation. Incarceration must be included among the penalties.

Development of pipeline related facilities and activities must avoid areas of muskoxen concentration as it is believed that harrassement and disturbance could cause population declines. Disturbance of muskoxen by machinery may result in abnormal defensive behaviour and calves may become lost.  
(Lent).

Caribou may contact winter construction spreads and may travel along the snow road. Under no circumstances are these caribou to be chased, harassed or herded.



Caribou and other wildlife must have the right of way in all cases. Vehicles must stop until the animals have left the roadway.

If numbers of either wintering or migrating caribou appear likely to intersect the construction spread, vehicular traffic must be curtailed, open sections of ditch must be filled and any strung pipe must be turned parallel to the direction of the caribou movement. i.e. at right angles to the ditch.

The total impact of the natural gas pipeline along any route in combination with the impacts of the Dempster Highway must be reflected, with further research if necessary, in stipulations established to protect the caribou.

International agreements for the management of the Porcupine caribou herd must be arranged. Inuvialuit and Dene subsistency users must have their chosen representatives at any international meetings.

Den sites of bears and foxes must be avoided by winter construction spreads. All must be located during the summer and appropriately marked so that they can be avoided.

Environmental Studies: Predictions of environmental impact

are all based on assumptions stated or implicit. If assumptions are invalid, statements of the acceptability of a project may have to be reassessed. COPE disagrees with several of the assumptions made by environmental consultants to the Applicant. Therefore, COPE recommends that all assumptions and terms of





reference be clearly stated at the beginning of all environmental assessments.

A "corridor" approach to environmental studies is inappropriate, even if a corridor concept of transportation routes is established. With aquatic species, a watershed approach to studies is recommended. The frequency of route changes in the applications before this Inquiry point out another reason for environmental studies not to be limited to a narrow corridor.

We do not now even have population estimates of many species which may be affected by pipeline activities. Further study is required to establish the status of all populations likely to be affected by developments. It is not now known whether most populations in the vicinity of the proposed Mackenzie Valley pipeline are stable, growing, or declining. It will, therefore, be impossible even to know if populations are in decline and what is the cause.

All habitat to be affected by construction must be evaluated in terms of its value to fish and wildlife resources before construction.

Co-operative efforts among biologists in wildlife research should take place to minimize disturbance of populations by researchers.

The estuarine environment should be studied to determine its capacity to overwinter fish.

Little is known about the habits and important areas for brown water fish - arctic and least ciscoes, inconnu, burbot, etc. Further studies



are required to locate times and areas of particular sensitivity for these species.

Additional work needs to be done on the effects of sedimentation and toxic compounds on northern fish species and northern habitats.

Knowledge of the winter ecology of fish is inadequate to allow for the creation of realistic stipulations and regulations.

Research on toxic effects of the residue which will be left after evaporating methanol should be carried out if methanol is to be used as a test fluid.

Research needs to be done on the behaviour of caribou, including the effect of disturbance on yearling calves, the dissociation of yearling and mother, cow-calf bonding, the importance of the post-calving aggregation, etc. The physiological effects of excitement on development, growth, mortality and reproductive performance in caribou should be assessed.

Studies must be carried out to evaluate the hypotheses:

1. that caribou are more likely to first cross a disturbed area in spring than in fall (therefore build in winter);
2. With an above-ground line, a light colour is preferable;
3. lines must be built so that they do not vibrate or make noise;
4. that caribou are most likely to cross an obstruction if they can see the other side.



The effects of development activities on wolf abundance and behaviour must be assessed.

Further studies should assess the extent to which wolf predation takes place on the caribou, and the extent to which wolves follow the caribou onto the North Slope. (Calef and Bergerud)

Hunting, Fishing and Recreation: Pipeline personnel must not

be allowed to fish. This can be made possible either by closing certain areas (to be chosen by the Authority and the native organizations) to sport fishing before construction begins or by prohibiting non residents from buying

licenses and redefining residence requirements for the purpose of obtaining a fishing permit.

Residence requirements for sports hunters must be lengthened to ten years and rigidly enforced.

A no-hunting zone five miles on either side of the pipeline right of way should be established. This zone shall not apply to general license holders. General hunting license holders working on the pipeline project may keep rifles and traps in camp and may hunt and trap from camp. Firearms may be kept by camp security until they are required for hunting. Each camp may have one rifle accessible for camp protection from bears.

Game officials, fisheries officials and native organizations must meet to develop regulations for sports hunting and fishing in the Northwest Territories (see section on Land Claims).

Personnel stationed at compressor station sites and other North Coast locations must confine their activity to the site itself and not go wandering around the countryside.



RESPONSES TO PARTICULAR PIPELINE PROPOSALS

The Mackenzie Trunk Line: (either Foothills or Arctic Gas)

Along the Mackenzie River a transportation corridor has already been established by use of the river, and an all weather highway is planned to run the length of the valley. Industrial development is proceeding. However, even if a pipeline company manages to overcome the problems of frost heave, <sup>snow</sup>/roads and winter construction to the satisfaction of the native people, it will have to deal with site specific concerns in the Delta and the Mackenzie Valley. Continual negotiation through the Authority will be necessary.

Gravel resources in the Delta area are in short supply. Inuvik, Tuktoyaktuk and Aklavik must be assured supplies of to proceed.

Gravel must not be mined from islands used by migratory waterfowl for spring staging.

Point bars, many of which have been used as camp sites by native people, may also be attractive staging and stock piling sites. Consultation with native hunters and trappers must occur if these sites are to be used, to determine which ones are appropriate.

A buffer strip at least 300 hundred feet wide must be left between trunk or ancilliary facilities and rivers, streams, and lakeshores except at crossings.

Water for snow roads should be removed from the Mackenzie River only, not from its tributaries. Camps may be supplied from some tributaries.

Particular care must be taken in the crossing of





Holmes Creek because of its importance to domestic and commercial fisheries.

No permit shall be issued until it can be demonstrated that revegetation can be accomplished in all types of areas traversed by the pipeline.

Both Dr. Vaartnow and Mr. Dabbs should proceed with their programmes in side by side tests designed by them in conjunction with another recognized plant biologist. After three years the results shall be assessed and whichever company builds a pipeline shall use the more successful revegetation method or a combination of the techniques for controlling thermal erosion and stabilizing slopes.

Flight corridors must be established to minimize traffic over the Mackenzie Delta and adjacent areas. Minimum altitudes of 2,000 feet above ground level should be maintained.

If the Foothills route is chosen the potential conflict between wintering caribou of the Bluenose herd and the pipeline must be studied prior to alignment decisions.

The Interior Route: Most of the land in question along this route is used by and belongs to Yukon and Northwest Territories Dene. Their concerns regarding this region are of paramount importance and COPE feels it cannot make any major recommendations for this area.

There are some environmental issues that COPE wishes to address because they affect subsistence hunters in Inuvik and Aklavik :



1. if migrating caribou in spring or fall approach construction sites, the operation must shut down immediately;
2. caribou crossing areas along the Dempster Highway must be identified and procedures for control of all traffic must be established so caribou will not be prevented from crossing;
3. pipeline support traffic on the Dempster Highway must occur between May and September to avoid caribou;
4. because of expected spring movements of caribou, construction must be finished before April 30th. Shut downs may be required for short periods beginning in March as some movement may occur then;
5. snow fences must be removed prior to spring migration;
6. access roads built for the construction period must be closed after construction to prevent hunters from having increased access to the caribou herd;
7. in the debate among biologists as to the relative merits of the interior and coastal routes from an environmental point of view, there is one issue that we wish to touch upon. That is the matter of the Canning River in Alaska. Environmental problems along the Canning River were one of the principal reasons that consultants to Arctic Gas, Jakimchuk and McCart, gave for opposing the interior route. The significance of this matter as far as we are concerned is that Alaskan witnesses stated that although the Canning River is an important area, the proposed Gates of the Arctic National Park contains habitat very



similar to that near the Canning River. In fact, all witnesses from Alaska emphasized the importance of the North Slope area far more than the Canning River area. In such an instance COPE feels that primary consideration must be given to the evidence of the Alaskans.

It appears that from the environmental evidence facilities such as an oil pipeline along the interior route would pose an unacceptable risk. Since a gas pipeline may open the area to other developments, Inuvialuit oppose the interior route.

The Circum-Delta and Cross-Delta Routes: Any route crossing the North Slope or the Delta is unacceptable to the Inuvialuit. Apart from a pipeline invading lands which are important to the future economy, both routes pose environmental risks which are unacceptable to original peoples.

Although all pipelines proposed to and from the Delta are to be built from snow roads, Inuvialuit particularly fear the intrusion of a permanent road along the North Slope. Arctic Gas plans to build its Alaskan lateral during the third year of pipe laying. Inuvialuit fear that they will be unable to build snow roads along the North Slope. At that stage of such a project, it could not be halted. Gravel roads may be required. Alternately, once a gas pipeline has been built, an oil pipeline and other facilities which require permanent access may follow. The risk of a permanent road across the North Slope is



unacceptable to Inuvialuit.

This project or future ones may require gravel from the active flood plains of rivers, North Slope springs, or off-shore spits, islands and bars. The environmental consequences of these procedures are either unknown or unacceptable to Inuvialuit.

Beluga whales in Mackenzie and Shallow Bays may be disturbed by barges shipping material to staging sites or carrying gravel; any summer construction in Shallow Bay risks disturbing whales. This population of whales is already subject to stress. It appears that white whales may be able to tolerate some noise and activity, providing it does not occur on their calving areas, but detailed information on white whale populations is unavailable. Mackenzie Bay appears to be an important calving area. Risks to whales are unacceptable to original people. Construction activities might also interfere with the annual hunt which is very important.

Snow geese gather in large numbers on the west coast of Shallow Bay or in the outer Delta every year. Barging, low level flights, or too many flights may disturb them so that they cannot store fat for their southward migration. Inuvialuit use and need geese in spring and fall. Risks to them are unacceptable to COPE.

Water may be needed from shallow ground water sources or from springs. In Alaska, this withdrawal damaged fishery resources. Such damage on the North Slope is unacceptable to Inuvialuit.





Disruptions of normal movements and behaviour patterns of the Porcupine caribou herd could cause it to abandon part or all of its traditional calving grounds. A controversy on this subject appears to have Arctic Gas' consultant on one side and all other caribou biologists on the other. The controversy seems to be a matter of interpretation. The question is, were interferences with caribou and resultant declines in populations in the past a result of disruption of migrations or a result of prevention of caribou from reaching their calving grounds? Because there is no agreed upon answer, COPE says:

1. research should be done to settle it;
2. the prevailing opinion of caribou experts should be taken (which would be that the calving ground is the more important area), or;
3. the entire range of the caribou should be left untouched by the pipeline project.

Willow thickets along North Slope rivers are wintering habitat for both ptarmigan and moose. The moose become particularly important to Aklavik during years in which caribou are not nearby. If construction of the pipeline occurred in such a year, disturbance of the hunt might prevent people from getting their winter's meat. That is unacceptable to Inuvialuit.



Construction in the vicinity of the Dall sheep winter range could cause disturbance and resulting population declines.

The west bank of Shallow Bay is actively eroding. Arctic Gas, if it builds a line across the Delta, prefers slowing or preventing erosion by continued maintenance of gabions at the pipeline crossing to setting the sag bend far enough back to avoid the problem for the projected life of the line. Continued disturbance and maintenance of the line is unacceptable to Inuvialuit.

In view of the spectacular drop in numbers of the Arctic Herd in Alaska and the inability of biologists to assign cause or even to determine whether it is a natural or induced change, it seems expedient to avoid populations of animals which are important to subsistence economics, wherever they occur.

The North Slope area is so important that all biologically critical time and areas must be completely avoided by pipelines and pipeline related activities. It is not possible to build a major facility on the Yukon Coast and avoid all such times and areas. Some of these are:

1. caribou calving areas;
2. the post-calving aggregation;
3. spawning areas, migration routes and wintering sites of fish;
4. breeding and staging sites of waterfowl;



5. raptor eyries;
6. coastal spits, bays, lagoons and barrier beaches;
7. calving whales.

Because of the importance of the North Slope, the Yukon Coast and Shallow Bay, to Inuvialuit as hunters and fishermen and to the animals upon which they depend, it is an inappropriate place for a gas or oil pipeline. The damage which could occur from a pipeline rupture or a major spill far outweighs any benefits they might derive from having it built. The northern Yukon and Delta are totally unacceptable areas in which to locate a transportation corridor.

COPE has listened to a great deal of evidence from both pipeline companies and their consultants about ways they can protect the land. No doubt they are sincere; perhaps they can prevent irreversible damage, but will they?

In the rush to build such a mammoth project, environmental and social concerns may not rank very high. Even a relatively minor test program was not stopped when their ornithologist requested Arctic Gas to shut down. (98, Gunn, 14909-11). Inuvialuit view assurances that the same environmental situation would result in temporary shutdowns of pipeline construction or supply with some cynicism. The risks of not shutting down are not acceptable.

One of the favourite arguments for a coastal pipeline route is that it would be in the best location near future gas and oil discoveries in the Beaufort Basin.



Evidence brought by COPE (Shearer) suggests that these discoveries are most likely to occur offshore of the Delta or slightly east of it. The petroleum companies failed to provide evidence to refute this contention. If oil and/or gas finds are eventually developed in the Beaufort Basin in the absence of a North Slope/Cross Delta pipeline, COPE thinks it will have a better chance of safeguarding and preventing intrusions into parts of the environment than if a pipeline is already in place.

Alaska Highway Route: The Alaska Highway Route appears attractive to Inuvialuit for many reasons. It is an existing transportation corridor in which many land commitments have already been made. The highway would allow year long access to most parts of the line. Many of the biological experts have pointed out advantages of this route: it avoids all major barrenland caribou herds and all major concentrations of waterfowl; it has advantages from a fisheries point of view.

Because an application to construct this route is now before the NEB, research should be designed in conjunction with the YCI and communities along the route to assess the environmental and social impacts of the line. Community hearings acceptable to the local people must be held in all communities affected by such a line.





## RECOMMENDATIONS RELATING TO POSSIBLE FUTURE DEVELOPMENT

A co-ordinated study of the Delta must be done prior to any additional development projects. Scientists are unable now to accurately assess the damage we have already done to the wildlife populations (Martel, Trudeau). Inuvialuit fear that continued damage will occur without being detected by scientists unless very careful studies of the environment before, during and after development is carried out.

Seismic Exploration: Blasting must not occur within 50 feet of the banks of water bodies (Gordon).

In conjunction with any future seismic exploration within the Mackenzie Delta, a study must be done to determine the effects of these activities on muskrats.

Ice bridges must be removed before spring.

Looping: Looping is a part of that series of developments which can be foreseen as following a pipeline. Looping raises a major concern about the time span of the construction period. Looping must not occur unless approved by the native people, nor must any other future project. Looping must be subject to a detailed environmental assessment.

Offshore exploration and facilities : Studies proposed by the Beaufort Sea Panel called by C.O.P.E. in Inuvik must be carried out prior to any further exploration. The fact of studies being done does not mean that exploration then becomes acceptable. Once information on the impact of such activities is available the people who live in the area will be capable of



deciding whether or not they wish to take the risk of an environmental catastrophe.

We note that from a position in the community hearings of saying that "we only want to drill two holes", DOME Petroleum now plans 25 or more exploratory drill locations. It does not seem out of line to envisage a possible north sea scale operation in the Beaufort Sea with the attendant risks to the biota.

The environment poses a danger to offshore pipelines. A damaged pipeline or accidents associated with pipeline activities pose a danger to nearshore eco-systems and as well as offshore systems (for example in the shear or open lead zone.)

The kind and extent of losses which could be sustained by the biota are related to :

1. Frequency of major oil spills;
2. Extent of chronic and accumulative pollution, primarily from oil spills and sewage;
3. Changes in currents, in-shore ice action, salinity and sedimentation resulting from physical alterations of near-shore activities;
4. Behavioural changes in animals resulting from increased disturbance. Research is at too early a stage for such risks to be taken with whole northern eco-systems. Sophisticated mitigative measures and adequate contingency plans must be in place before further exploration is permitted. Lands and waters must have been selected by Inuvialuit prior to further exploration.

Island Building: Off-shore areas of particular importance for



marine mammals such as polar bear, whales and seals must be identified and at least parts of them protected from additional disturbance.

Mackenzie Bay must be kept free from industrial disturbance. The whale hunt must continue because of its importance to local residents. The cumulative effects of offshore islands and island building must be assessed.

Harbour Sites : Tuk Harbour is not a satisfactory site for a long term port from a geological point of view. (Lewis) Because of this and the fact that there is a local fishery which is important to Inuvialuit, COPE proposes that drilling ships and other large ships be harboured elsewhere.

Gas Plants: The reindeer herd is an example of an alternate kind of development which could be of major importance to local residents. The reindeer herd must be assured a range large enough to meet its needs and allow rotation from year to year. In view of the expansion of the Bluenose caribou herd to the east of the reindeer reserve the western ranges of the reindeer will become more important. Reindeer ranges must be legally established with detailed guidelines regarding acceptable activities within that area to be worked out by the herd owners and the land owners prior to any permits being issued for any gas plants. Exclusion of any sulphur producing gas plants from an area within a given radius of the reindeer range may be one of the provisions.

Because of the sensitivity of lichens to sulphur and the distance which sulphur emissions can travel, any sour gas finds



in the Mackenzie Delta must not be produced until sulphur can be removed from the gas and not be emitted into the atmosphere. Proponents of the gas plants and the pipeline must jointly fund a study of the effects of their projects plus the expansion of the Bluenose herd on the reindeer industry if the owners of the herd want it done. The study shall be done by third party contractors and shall be controlled by the owners of the herd or a native organization acting on their behalf. Delta operations must develop a continuing consultation with the owners of the reindeer herd to insure that their operations do not interfere with the movements or range of the herd.

Prior to the construction of permanent roads in the Delta, even as part of the gas plant development, a study must be done on the effects of dust on vegetation and animals downwind of the road.

To ensure that caribou and reindeer will be able to cross any above ground feeder lines, crossings must be designed pursuant to recommendations developed from studies of caribou crossings. The designers must include the following steps in their plans:

1. Crossings should be constructed on well used trails.
2. Where distinct trail patterns are not discernable, take advantage of natural funnels such as lakes and rivers.
3. If feeder lines parallel a road, either the road or the pipe must be zig-zagged to prevent movement from being blocked.
4. Structures must be placed and designed to minimize snow drifting.





1. Hunting, trapping and fishing continue to be of great importance to native people. There is a need for cash but most native people want "jobs and hunting," not jobs instead of hunting.

Inuvialuit need the cash jobs can give them, but they also want the option of hunting and trapping kept open. They don't want to be just workers for someone else, they want to be professionals, administrators, business people and tradespeople. People want jobs in their home communities, and they would like to control their economic development. They want to take care of their own communities. Inuvialuit want a balanced, integrated and secure economy, not one which is dependent on one, outside controlled industry that will eventually go away.

2. The wage economy has not served native people well in the past. Employment has been seasonal and has not offered security. Original people have had mostly unskilled, low-paying jobs. Very few native people have benefited from business opportunities. They have had no share of profits from industrial development, and no control over government or industry investment.

3. The kinds of employment offered on the construction of the pipeline and related developments do not suit the long term needs of native people on a long term basis. Especially on pipeline construction itself, the unions and contractors have made it clear that the experience and teamwork required, as well as considerations of safety and equal treatment on the job, means that very few native people will be hired. They say employment schedules will not be flexible. Emphasis on native employment



may have to be in the construction of compressor stations and gas plants, and in exploration and development, where there will be greater opportunity and flexibility (see manpower delivery recommendations). But even employment on ancillary facilities, well paying though it may be long term, is not in the communities, and is not long term, is not always compatible with hunting and fishing and trapping. These jobs can be of temporary benefit to native people but should not be relied on for the long term. The experience or training native people get on them will probably not be useful in their home communities and may not be useful anywhere in the north in later years.

4. The kind of employment offered on the operations and maintenance of the pipeline and gas plants is also unsuited to the needs of native people. These are the jobs for which the Nortran programme is training people. They are full time jobs, not in the communities and not compatible with hunting and fishing. The Nortran programme leads people out of their communities and away from native life in preparation for these jobs. It trains people for jobs which exist mainly in the south, not the north. It seeks to reorient people to southern values and ways of life. It creates bad feelings among non-native coworkers.

Therefore, COPE does not ask for special hiring and employment provisions on the pipeline. COPE says native people must have equal access to union membership and employment on the basis of their actual competence for the jobs, and that they not be put at a disadvantage by virtue of their background



or place of origin. We think quota systems or preferential hire will only create more problems than they solve.

5. COPE states that the government's pipeline guidelines for native employment and business have been wrong. We do not blame the companies for following them because that is what they were told to do. But the guidelines themselves do not meet the real needs of native people, and may be unworkable and impractical as well. COPE recommends that employment guidelines be rethought in consultation with original peoples.

6. We believe that there will be few new employment opportunities for native people in government or in service jobs created by pipeline development, and few new business opportunities. The pipeline companies have no control over these jobs, and past experience has taught Inuvialuit that outsiders get most of the benefits.

7. Will tax and royalty revenues benefit native people? We know this money will not go directly to native people but to the federal government. So native people won't control that money any more than they control taxes now.

8. COPE, therefore, strongly recommends that Inuvialuit must have control over the economy and over their own communities prior to any major development.

9. COPE says Inuvialuit need and have a right to balanced, long term development, based on local resources and community based and controlled enterprises. COPE recommends an alternative



development programme suited to the needs of native people which includes the following things.

- a) improved assessment and management of the renewable resource base;
- b) improved techniques and programmes for renewable resource harvesting;
- c) making more money available to traditional activities.

These would increase the efficiency of hunters and trappers as well as create jobs in resource management at the community level.

- d) greater local processing of renewable resources, i.e. tanneries, garment manufacture, food processing, to create community based and controlled enterprises and employment.
- e) substitute locally designed and manufactured products for imports where practical. Obvious examples are building materials and housing.
- f) research and development into the possibilities of new uses for local resources, new methods of processing, new markets, etc. This research must be carved out by and with native people from the communities.
- g) replacement of non-natives in government and service positions in the communities by original people. This alone would create a large number of community based and controlled employment opportunities.
- h) reorientation of education and training programs to enable original people to fill these kinds of jobs.
- i) at a later stage, royalties from non-renewable resource





development must become available for reinvestment in the renewable sector.

10. If renewable resource based industries develop in the Western Arctic, they will require non-renewable resources for energy, construction and operation.

Therefore, there must be no pre-emption of gravel, timber, water or other resources for oil and gas development without adequate consideration of future Inuvialuit needs for other purposes.

11. Further, if oil and gas resources are developed, they must not all be exported without regard to the future economic needs of the region. Natural gas, as well as its byproducts, must be available for local use.

12. The government has never taken alternative economic development seriously, and Inuvialuit do not expect it to do so now or in the future. It has reduced its efforts in this direction in its rush to support oil and gas development. The government could and should finance some of this development by way of the programs and services it provides to all Canadians. Only a land claims settlement, however, can provide the measure of control necessary to implement local development. It must be well underway, before any pipeline is built.



COMMUNITY CONSULTATION

COPE's recommendations throughout this document emphasize the requirement for continual consultation among government, industry and original peoples regarding the details of any pipeline which may be built. It has also been pointed out before this Inquiry that appropriate mechanisms need to be developed to allow communities to participate in decision making which affects their future. Elsewhere in this document, we have outlined formal structures, existing and proposed, in which native people want more say. But community consultation is more than this. This Commission has visited every town, village, hamlet, settlement and outpost in the Mackenzie Valley and nearby Arctic islands. You have heard from as many people as wanted to speak. It must have been obvious that people in this area want to speak for themselves. They are not prepared to delegate everything to their representatives in any organization. Furthermore, the communities are rich in wisdom and opinions. Many of those whose thoughts are valuable are not prepared to spend all their working lives as committee members, appointed or elected officials. We do not propose administrative and regulatory bodies with Inuvialuit representatives as an alternative to community consultation, but in addition to it.

The consultation requirement indicated in many of our recommendations does not mean that each specific borrow pit design, for example, has to be discussed in each community. At such time as a pipeline is built, hopefully with the agreement of the communities,



the detailed day by day advice on environmental issues required by these recommendations can be provided by the Inuvialuit members of the Authority's Board. It would then be the responsibility of these Inuvialuit representatives to seek advice from communities or native organizations as they require it.

This continuing process will only work once a project has begun and under circumstances in which Inuvialuit representatives are in continuing contact with government agencies at such a level that their voices must be heard and must have influence. This will only work if it is seen to be fair; that is, if original peoples desires on large issues as well as small ones are sometimes met.

Developments proposed in the future, other than a Mackenzie Valley pipeline, must also go through a process of community consultation. We propose a mechanism for such consultation. In order to be worthwhile and effective, community consultation programs must meet the following criteria:

1. Environmental and social assessments must begin at the same time as the preliminary economic and technical feasibility studies. Assessments must consider cumulative impacts. Inuvialuit must be involved in study design and execution.
2. Community and original peoples' organizations must be advised of the proposal at that time and must be kept in touch with its progress. Type and timing of consultation required shall be decided by, and in consultation with, these organizations. They shall also be requested to assist in identifying studies which need to be carried out.



3. Details of the proposed project and all assessments must be publicly available at all stages. Relevant data must not be kept secret .
4. Information must be presented in ways which are, and are seen to be, objective. The negative as well as the positive impacts of major developments must be presented. Probable and possible future developments which will result from any project must also be discussed in a general way .
5. Socio-economic assessments and consultation processes must include the influences of the project on qualitative phenomena such as social relations, political development and control, family and community life, cultural values and general social well being..
6. Consultation must always include a consideration of overall impacts and the question of whether or not the project should proceed at all. This point cannot be overemphasized. The "no development" option must be a real possibility
7. The long range objectives and total pattern of the development must be presented. People must be invited to consider the total development picture rather than individual components separately. There must be a long range scenario of what resource development in a particular region could lead to. Mr. Shearer's scenario of the possible proliferation of oil and gas wells in the Beaufort Sea is an example, though we envisage these scenarios being presented in much greater detail
8. Promises made by government and industry during the consul-





tation process (regarding such things as restrictive regulations, enforcement, etc.) must be fulfilled

9. Local people must not only be consulted, they must be part of the decision making process. The assumption that legitimate Inuvialuit concerns can all be handled by proper regulation of a project must be tested in each instance. In some cases, it may be necessary to abandon a project.

In the following section, COPE recommends procedures for several different development possibilities:

A: MAJOR NEW FRONTIER PROJECTS (e.g., offshore production and drilling)

Actual consultation must occur through Berger-type community hearings. However, prior to these hearings, there must be an information program to provide people in the communities with material from which they can reach an opinion. In the past, programs have suffered from either a direct industry approach or a slick public relations campaign, both of which deny the "no" or "wait" options. The full range of possibilities regarding a given project must be able to be considered.

COPE's community information program could be used as a model with money being given to native organizations to provide information to the constituents. Alternately, scientists who actually conducted the biological or social research work involved could outline potential impacts, subject to public discussion with representatives of native groups.

The information program must both be, and be seen to be, res-



ponsive to the perceptions of original peoples. It must include all options. It must reach people through repeated, leisurely community visits or house to house visits. It must include explanations of the decision making processes. It must present information in the local languages and dialects as well as in English.

Community hearings following the Berger model must be held after the information program is completed. The decision-maker or report-writer must be present at all community hearings.

Translation must be available. The proceedings must be recorded, typed and distributed to all interested parties with a copy to each community which was consulted. Native organizations or corporations must be able to make presentations. The report of the tribunal must be a public document and a digest of its major recommendations in basic English must be available to the communities. The tribunal which hears the evidence at community hearings must either be or have direct access to the decision-makers.

If a decision is made to go ahead with the project, presumably with the co-operation and agreement of native organizations, an authority (such as the authority proposed elsewhere in this document) must be established. The developer must meet with the group regarding every day parts of the project which require local input.

Original peoples who are members of the board must have the option of meeting privately to iron out any differences. Time must be allowed for a consensus to develop among the group since instant decision making is not the Inuvialuit way.



B: PROGRAMS WHICH INVOLVE NOVEL INDUSTRIAL DEVELOPMENT (past examples  
artificial islands, offshore  
drilling; future examples: off-  
shore flow lines, production  
islands)

These programs must be referred to the EARP for consideration. The land use committee has reconstituted must refer any such proposals it receives to EARP.

The Environmental Assessment and Review Panel of the Federal Department of the Environment has a mandate through which it could develop adequate procedures for involving Inuvialuit in decisions in which the Federal Government has an interest. EARP could become an appropriate vehicle for consideration of new projects with environmental impacts which affect Inuvialuit or their lands if some of its options became requirements.

1. The EARP Panel must include two representatives of the Inuvialuit organizations when it considers any project which affects Inuvialuit or their lands.
2. Environmental assessments contracted by or in the possession of EARP must be public documents.
3. EARP must always solicit and consider reactions and recommendations from the public in response to environmental assessments including "Berger Style" community hearings if these are necessary in the opinion of the Inuvialuit representatives or are requested by affected communities.
4. The "no go" option must always be an alternative.



C: EXTENSIONS IN EXISTING KINDS OF PROGRAMS (i.e. more on-land seismic exploration)

This can be dealt with by the land use committee as revised in the recommendations contained elsewhere in this document.

D: PROPOSALS WHICH AFFECT ONLY ONE COMMUNITY

Proposals must be presented to the Inuvialuit organization, the hunters' and trappers' association, and the hamlet council in the community. Any or all of these groups may wish to refer to the regional Inuvialuit organization. Regular land use applications will not require the attention of the hamlet councils but will be handled by hunters' and trappers' committees as part of their regular liason with the revised land use committee.

The decision on which tribunal shall discuss new proposals shall be made by a standing committee consisting of representatives of original peoples organizations, Federal and Territorial Governments.





Witnesses for the applicants, particularly Doctor Hobart, have expressed the opinion that native life as distinct from that of the dominant culture is dead. Their evidence points to the fact that native people go to school, drive machinery, wear clothes made outside the Northwest Territories and speak English. Other witnesses called by the native groups disagree. More importantly the native people themselves disagree and say that although their life is changing, the way they live and the values that they hold dear are not the same as those of Southern Canadians. Furthermore, they have expressed the desire to this Inquiry to develop their own lives and their own communities in their own way.

Witnesses from Alaska have stated that the impact of high wages and pipeline employment on the small communities have been devastating. Their evidence does not suggest that pipeline construction has brought native people any closer to living like non-native Alaskans. Rather it has created for native peoples some very difficult and perhaps insurmountable problems. Elsewhere in this document we have discussed some of the impacts of wage employment and ways in which training programs seek to acculturate people to a life style which will make them satisfactory long term employees. In this section, we will concentrate on seven problems which we see facing original peoples in their communities.



1. Inflation

Evidence from Alaska is that inflation spiralled with high pipeline wages, forcing many people into pipeline work in order to keep up with the cost of living and forcing many businesses to sell out or to go under. COPE is concerned that one of the effects of inflation will be to force people to desert the communities in favor of pipeline construction in order to purchase the goods and services they require. COPE sees no easy answer to this problem.

COPE recommends that unless an answer is found to the inflation problem which will permit people in the smaller communities a choice of life styles and permit people on fixed or low incomes to continue living without any greater hardship than they presently experience, the project should not be permitted to go ahead.

2. Continuity of Supplies and Services

Despite assurances from the applicant, COPE is concerned that the construction of such a mammoth project as the Mackenzie Valley Pipeline will interrupt supplies and services, particularly to the smaller and more isolated communities.

COPE therefore recommends that it be written into the contracts between the applicants, the government and suppliers and carriers that communities must be guaranteed supplies and services prior and in preference to the pipeline company and its related contractors. Original peoples through their organizations must be involved in the negotiations of these agreements with carriers and suppliers. In areas where it is impossible for common carriers



or suppliers to service both the pipeline companies and the communities, the pipeline companies must make other arrangements for services and supplies.

### 3. Employment Recruitment

Because of their experience with recruitment for other development projects, Inuvialuit state that their communities must be protected and isolated from massive recruitment within the communities. This does not mean that the communities do not wish to be consulted with regard to employment opportunities for their residents. Recruitment, however, must be with their consent on their terms and using hiring and work schedule models which may vary from community to community.

### 4. Day Care

We have heard from Alaskan witnesses that in the larger centers the provision of adequate day care services became a critical social and family problem. Prior to construction, COPE recommends that adequate day care facilities be set up and in operation. These communities must be provided with adequate funding to run these facilities if they are not in a position to do so themselves. This funding may come from government and/or industry.

### 5. Separation of Pipeline Workers From the Community

Inuvialuit in most of the communities have expressed fears of the consequences of southern pipeline workers coming into their communities and causing problems. Many people have experienced these problems before with previous oil and gas



development, DEW line construction, and evidence from the Yukon outlined the problems associated with the construction of the Alaska Highway.

As a result, COPE supports the recommendation and policy of the pipeline companies that workers will be kept out of the communities in the Mackenzie Valley. However, evidence we have heard from the unions is that they are not willing to go along with these restrictions on the activities and movement of their members. COPE has doubts of the legal ability of the pipeline companies to compel people to stay out of the communities particularly after they have been discharged or laid off. Inuvialuit therefore want to be involved in negotiations between the unions and the pipeline companies and the government so that the impacts of pipeline workers in the communities can be avoided.

#### 6. Control of Transients

Neither pipeline applicant could agree on the number of people that will come into the Northwest Territories attracted by pipeline work or spin-off activity. Both companies agree that they have no control over this themselves and rely upon the government to control the incoming transients. Inuvialuit are not interested in debating about the number of transients since their experience in the small settlements has been that a mere handful of transients can disrupt and divide communities, can take over businesses and business opportunities, the community councils, etc.

As a result, COPE recommends that the hiring and firing of personnel in community service positions within the communities





be left in the hands of original peoples and others who have satisfied the 10 year residency requirement. COPE further recommends that with the possible exception of sports hunting in certain areas, that outsiders be prohibited from hunting and trapping unless they can satisfy the 10 year residency requirement.

#### 7. Control of Business and Real Estate

Because business opportunities, existing businesses and prime real estate are often taken over very quickly by outsiders who have an understanding of the way existing systems work and how to use them to advantage, COPE recommends that the individual communities must control the issue and revocation of business licenses and the purchase of real property within and adjacent to the communities. This does not mean that all outsiders will be precluded from owning land or running businesses in the communities but that the communities have continuing control within their boundaries. This involves a fundamental transfer of authority. As has been stated elsewhere in this document, such a transfer can only satisfactorily be achieved through an adequate settlement of land claims. If this transfer of authority has not been carried out prior to authorization of pipeline construction, then Inuvialuit fear they will be swept to one side.

In matters involving the impacts of development on original peoples communities and ways of life, COPE recommends that the burden be on the proponents to show that they will not adversely affect the way of life of native people. It should not be up



to Inuvialuit to show that development will harm them.

#### FEDERAL AND TERRITORIAL GOVERNMENTS

This Inquiry has heard and seen evidence that the Federal and Territorial Governments in the Northwest Territories affect almost every aspect of the lives of local people and particularly original peoples. Government policies, plans and programs have greatly influenced the rates and types of change which have occurred in the Western Arctic. Inuvialuit have acknowledged that many of the government programs have been helpful. They have complained that they have not been consulted about the contents of government policies and programs. They have stated to you that when they have offered suggestions these have generally been ignored. Construction of a Mackenzie Valley Pipeline would involve expansion of existing government programs, the introduction of new ones and an increased use of present and planned government services. COPE recommends that before the construction of a gas pipeline, an independent assessment and evaluation of the Federal and Territorial Governments roles programs and services must be carried out in the Northwest Territories. This assessment must involve the original peoples in the Western Arctic with full opportunity on the community level to voice concern and outline problems encountered with Federal and Territorial Government Services.

The idea is not a new one. The Carrouthers Commission in 1966 recommended a review of the government of the Northwest Territories within ten years but so far this has not been



initiated. At the last session of Territorial Council in Rankin Inlet in October 1976 it appeared as though the Council wished such a review to take place. In education, the Territorial Education Budget for 1970-71 included funds for an independent commission of inquiry on northern education. Despite the controversy over education and the new education ordinance, this inquiry has never been set up. In the field of health services, a similar recommendation has been made about the services of the Department of National Health and Welfare to conduct an independent professional audit on a regular basis to advise governments and local citizens boards on the adequacy of services and the areas of weakness.

Whether or not a pipeline is built it makes little sense to waste money on programs and policies without an objective evaluation of the effectiveness of them. COPE objects to simply an "in house" assessment. The residents of the Northwest Territories must be included in this evaluation process since one of the tests of effectiveness of policies and programs is the degree of utilization by all people in the north, particularly original peoples and the satisfaction of the recipients of services policies and programs.

Although the review of programs is necessary, the root of the problem is lack of control by local people of the governments which in theory are supposed to be their servants. This Inquiry has heard evidence in the communities and in the formal hearings that Inuvialuit hope to regain a large measure of control over the decisions affecting their lives by the settlement of their land claims and the implementation of the terms of settlement.



Evidence of the lack of control is exemplified by the Northwest Territories Council. This Council has a native majority at the present time, but the failure of this form of representation has its origins in the token authority given to the Council. COPE does not intend to downgrade the individuals on the council but wishes it to be recognized that they have been placed in a situation where they have no control over policies and programs. Further, they lack the access and the means to access to complete an adequate information in a form that they can understand. COPE believes that Inuvialuit as well as other Canadians have a right to and a need for self government. Inuvialuit feel that the Territorial Government is not their government.

The Territorial Council came before this Inquiry and identified itself as the only body truly representative of all people of the Northwest Territories and the only effective voice which can speak for all Territorial residents. Interestingly, it failed to represent the interests and views of the native people who are a majority in the Northwest Territories. A crucial precondition to the construction of any pipeline according to original people in the communities is the prior settlement of their land claims. Yet, in its recommendations to this Inquiry, the Territorial Council failed to put forward this crucial condition. Furthermore, in listing three conditions in the Council's resolution favoring the construction of a gas pipeline, the Council ignored the great range of concerns and fears expressed to this Inquiry at the community hearings. COPE says that the electoral process in the Northwest Territories





is dominated by non-native business and professional people. The powers of the Territorial Council are severely restricted and the real decision-making about policies, programs and budgets remains with the non-elected Territorial Government people who answer to the Department of Indian Affairs in Ottawa.

Inuvialuit see a responsible government as an essential ingredient in a fair land claims settlement. . .

#### Local Government

Like the Federal and Territorial Government system, the local governments which have been introduced into the communities have been imported from southern Canada and are based on a Euro-American model. This form of local government has been imposed upon Inuvialuit without regard for their culture and their methods of decision-making. It has until now been up to the people to adapt to the system.

Witnesses to this Inquiry have stated that this is probably the best system of local government available, that it has worked in the south and that it guarantees everyone the right to be heard and to have an input into local decision making. These witnesses went on to say that if the people do not choose to exercise their rights in electing local representatives or attending local council meetings that the problem lies with them and not with the system. COPE believes this is a simplistic and inaccurate picture of the process of local government in the Northwest Territories. Regardless of the intent of the founders of the local government system here, it has not been nor has it



become representative of Inuvialuit interests and concerns at the community level except in rare instances.

The system is new to Inuvialuit. They have learned that in the process of change and development initiated by outsiders, their opinions count for little. Some have chose to stay silent in the face of the control which outsiders have taken of Inuvialuit life.

The result has been that Inuvialuit participation and representation in local government has been slight. COPE also feels that the lack of marked participation may be due to peoples perception of local government as a body to make decisions about sewage, water delivery and roads. Local government models with more authority are found only in the larger centers which are predominantly non-native. These are also the transient centers of population and appear to derive their control over their own affairs by virtue of having a tax base and a larger size.

Inuvialuit do not reject the local government system with elected community councils but they have not yet learned to use the system properly and the councils have not yet been given sufficient authority to carry out programs which people think are important in their own lives.

As a result of its concern over the control of government COPE makes the following recommendations:

1. As part of a land claims settlement, responsible government must be given to the people of the Western Arctic.
2. There must be an evaluation by the people in conjunction



with government of programs, policies and services.

3. Original peoples must through a long residency requirement maintain control over their regions and their communities in the face of the immigration of thousands of outsiders. COPE recommends a 10 year residency requirement for eligibility to vote in any and all elections.

4. The municipal model of local government in which communities are advanced to increasing levels of responsibility based on the criteria of size, level of administrative competence and sufficient tax base must cease to be used in the Northwest Territories. The criteria of assuming increased responsibilities for their own affairs must be set by the communities themselves and in the areas that they see as important. The role of the senior levels of government specifically the Department of Local Government of the Territorial Government must simply be consultative and they must be available to provide technical assistance when the communities require it.

5. The responsibility of local councils must be expanded. We have heard evidence from Alaska of the borough system which enabled the Inupiat of the north slope to achieve strong local government in conjunction with their land claim. Through this they were able to develop a tax base which they required to implement the policies and programs they wanted. Inuvialuit must have similar power over development within their communities and upon their land.



## Introduction

The construction of a gas pipeline, related and subsequent developments will have many impacts upon native people, their families and their communities. The developments initiated by both industry and government have already had significant social and economic impacts upon native people who live here. In a very short time, native people have seen their way of life changed by the movement into settlements, the placement of their children in schools and hostels, temporary wage employment in both industry and government, alterations in their diet from total reliance upon country food to increasing dependance on "store-bought foods", alcohol, the imposition of a southern form of local government, the establishment of nursing stations and hospitals and increased contact with southern Canada resulting from improved transportation, communications, and the mass media.

The supporting service institutions and programs developed by the Federal and Territorial Governments show little evidence that original peoples were consulted or involved. Although Inuvialuit appreciate many of these services and programs, most are ineffective and inappropriate to meet their needs and solve their problems. A basic right of Canadian citizens is to have some degree of influence and control over the institutions that serve them. Furthermore, input from those to whom services are provided makes it possible to design social programs so that they can most effectively meet the needs of people. Original peoples in the north have never had this influence or control over institutions which serve them, and it shows in the kinds of





institutions in the Western Arctic and in the success of social programs here.

Pipeline construction will bring many outsiders and rapid social changes into the Western Arctic. This will intensify the current social and health problems of original peoples and put further pressures on government agencies which cannot handle even the present problems. Witnesses have given evidence to this inquiry about increasing social problems accompanying the DEW Line, the Alyeska Pipeline, the Trans-Alaska highway, the Anvil Mine, and the Nanisivik Mine. Inuvialuit fear that similar problems will accompany the Mackenzie Valley Pipeline. They know that more people from outside will come to the Mackenzie Valley, and unless measures are taken now, the needs of native people for social and health care services will be subordinated. Before pipeline construction, native people must have control of their own social and health programs and guaranteed funding to overcome the current deficiencies in them. There must also be enough time (if and when a pipeline is approved) for Inuvialuit to develop their own social and health programs at community and regional levels.

We will examine three questions concerning health and social services and from these will be developed COPE's recommendations. These questions are:

- (1) What is the current level of the social or health problem?
- (2) Are the present institutions or programs adequate to meet the present level of problems?



- (3) What is the probable impact of pipeline construction upon these problems and upon the services institutions and programs presently dealing with them?

This Inquiry has heard evidence that social and medical problems are culturally based. This means that social and health programs must be based on peoples' understanding of and identification of their own needs. Despite many social and technological changes in the recent history of the Western Arctic, native people have not become southern middle-class white people. Southern institutions, imposed without regard for these cultural differences, have failed in the past and will continue to fail unless they are based on the culture, values and perceptions of native people who live here.

Because nobody knows which pipeline route will be chosen, or even if one of the present applicants to this Inquiry will be successful, COPE does not intend these recommendations to be more than a place to begin. The applicants have tentatively chosen the location of their camps, access roads, wharves and facilities. They have told us of their general plans for the isolation from the communities of pipeline workers, employment and hiring of native northerners, the use of local services and facilities. The general plans, location, and policies may change. Therefore, after the Berger Inquiry is over, native people and their organizations must be able to continue to negotiate with government and industry on specific terms and conditions. This Inquiry has heard that in Alaska many of the social impacts were far worse because there was inadequate and insufficient information from Aleyaks, because there was little



or no honest research into social impacts, and because there was far too little lead time after the permit had been granted for Aleyaska and governments to prepare to deal with the social impacts. Despite this Inquiry, the situation is not very different here. Neither applicant has told us enough us to permit detailed planning. The research into social impacts by government and industry has been cursory at best and has been designed to promote their development preferences . Finally, there are no guarantees of sufficient lead times.

### Health

COPE lead evidence from medical practitioners and others that the present level of health care services in the Northwest Territories is inadequate to meet present needs. Arctic Gas and Foothills have through their witnesses stated that the construction of a pipeline would bring improved health care services to the Western Arctic and cause an decrease in many of the socially related medical problems. The evidence of medical and mental health witnesses from Alaska indicate that just the opposite was the effect and, that . . . accompanying the pipeline were dramatic increases in socially related medical problems including malnutrition, dental problems, increase in accidents, increase in injuries due to violent behaviour, suicides, and alcohol related injuries. It was difficult to attract medical personnel and to prevent service personnel and medical facilities from leaving their employment to take more lucrative jobs related to the pipeline.



Recommendations

1. COPE therefore recommends that a Task Force be organized now to evaluate the present of level in the Northwest Territories to identify specifically the current inadequacies and to forecast potential development impacts upon medical services and the health of native peoples and others living in the Western Arctic. This Task Force should study what has happened in Alaska and should draw upon the Alaskan native health service experience in rural areas and the native non-profit corporations and the health services in urban areas like Fairbanks, Anchorage and Valdez. This Task Force should be made up of representatives from medical services, the Department of National Health and Welfare, the Department of Social Development of the Territorial Government and representatives of the native associations and communities in the area likely to experience the impacts. It might also include hospital and university authorities outside the Northwest Territories.
2. Original peoples must be involved in the delivery of health care services to their own communities and in the evaluation and institution of health care programs and facilities.
3. The Department of National Health and Welfare together with the native associations and the communities should establish local and regional advisory health boards. They should within a set time period take over the operation of Health care services and facilities. Appropriate models include the Churchill Health Center, the James Bay Project, the Katen Health Care Center in





Caughnawaga and the Alaska Native Non-Profit Corporations.

Regional and local boards must be established and in operation before commencement of construction of a pipeline.

4. Original peoples must be recruited and trained in all levels of health care.

5. COPE recommends that local people have authority and control of health care services. At this time, COPE does not support the recommendation that health care services be transferred from the Department of National Health and Welfare to the Territorial Government. There is no evidence that the Territorial Government will be any more responsive to the needs and concerns of Inuvialuit than the Department of National Health and Welfare. Witnesses have pointed out to you that two conditions are necessary for the transfer of medical services to the Territorial Government. In the first place, the Territorial Government must show that it is as capable or more capable than the Department of National Health and Welfare to deliver the services. In the second place, such a transfer should only be on terms to which native people consent. Neither of these conditions has yet been met.

6. Because the existing health care facilities in the Western Arctic are presently utilized to capacity or over utilized, we recommend that pipeline personnel, contractors and their employees do not use existing facilities unless and until their carrying capacities have been increased to meet present and projected future demands of the local population as well as the



increased demands placed on facilities, personnel and services by this project. Considerable lead time may be required as evidence has been lead from Doctor Hildes that it requires 5 years to put a regional hospital into operation.

7. The costs of expanding services to meet the direct and indirect demands of pipeline construction must be born by the applicants.

8. Medical examinations of pipeline workers should be carried out in southern hospitals except for those northern residents who are employed on the pipeline.

9. The capacity of the Tuktoyaktuk Nursing Station must be evaluated. Any plans to expand the Tuktoyaktuk Nursing Station must take into account not only the possible impacts on pipeline construction but also of increased exploration and the construction of gas plants and ancillary facilities. Under no circumstances must the services extended to the residents of Tuktoyaktuk suffer or be curtailed.

10. An evaluation of the present nursing station facilities and staff must be made to determine their present capacity and to forecast future needs.

11. The Community Health Aide Program must be expanded and upgraded to insure that at least one community health aide is working in each community. Continuing education must be provided for these people. The salaries of these positions must be raised so that they are competitive with short term jobs in pipeline



construction and ongoing development.

12. The Department of National Health and Welfare must develop a trained interpreter corps immediately. Interpreters must be available in the Inuvik Hospital to provide interpretation into all the native languages used by the people in the region. We believe in most of the settlement nursing stations, the community health worker could fill this role. Evidence has been lead that language is essential to communicate and diagnose health matters even though most original people in the COPE region have a basic knowledge of the English language. The current practice of using native employees who are trained neither in interpreting nor in medical terminology to translate in the hospital must be ended.

13. The Department of National Health and Welfare which has the responsibility to monitor the water supplies and the sewage effluent must insure that they have adequate personnel prior to the commencement of pipeline construction. It is further recommended that before the pipeline construction, National Health and Welfare and the Territorial Government undertake an assessment of the adequacy of current services and the capacity to maintain these with projected population increases.



### Mental Health

While mental health problems exist among all peoples inhabiting the Mackenzie District, evidence before this Inquiry is that social, cultural and mental health of original peoples are closely linked to one another. Not only are services such as crisis centers, psychiatric and family counselling professionals and para-professional training facilities either inadequate or non-existent in the Northwest Territories, this Inquiry has been told that providing psychiatrists to residents on a one-to-one basis would not solve the problems which have arisen and which continue to rise in this area. Good mental health has been linked to having control over one's own lives and one's own facilities. The prognosis is that the situation will deteriorate if major development is to come to the Mackenzie Region before satisfactory land claims settlements have been worked out with the Inuvialuit and the Dene.

### Recommendations

1. COPE recommends in addition to the general health recommendations made above that a satisfactory land claims settlement which would restore to original peoples control over their lives and institutions is a basic requirement to the mental health of all people living in the Mackenzie Region.

2. COPE recommends that a study be conducted of the Alaskan system of native professional and para professional mental health care delivery systems and the development of a similar





scheme in consultation with the communities which suits the requirements of the Inuvialuit.

### Alcohol

Alcohol continues to be a problem for all people and a special problem for Inuvialuit. The level of alcohol related problems acts as a barometer of social and mental problems among original peoples. We have heard evidence that in the Western Arctic there may just be a chance for the people to control the abuse of alcohol if they are given the time and opportunity to do so prior to major developments in the area. In some communities, people have begun to look for their own solutions to the alcohol problems. There is evidence that although alcoholism exists among all peoples that its successful treatment may differ as between native and non-native people. At present there are no facilities for the treatment of alcoholism in the Mackenzie Delta, and efforts to remedy this situation have received little assistance from government. Viewing the Alaskan situation, it is evident that the number of problems rose dramatically in conjunction with pipeline construction, high paying jobs and long absences from small communities.

### Recommendations

1. COPE recommends that more research be done, not simply on alcohol but on the incidents of alcohol problems of various groups, races and cultures. Equally important is research



into alternative methods of prevention, treatment and rehabilitation of alcoholics which may work better in treating native peoples.

2. Inuvialuit must have the power and authority to determine and implement their own alcohol policies and programs. They must be able to decide what alcoholic beverages should be available, what they should cost, whether alcohol should be rationed or prohibited and what kinds of prevention, education, treatment and rehabilitation programs should be implemented. It is important that native people retain this control not only in communities where they hold a numerical majority but in larger communities where they are not. This might be achieved by long residency requirements to participate in alcohol plebiscites. COPE recommends a ten year residence requirement.

3. COPE supports the recommendation of the unions with regard to the availability of alcohol in construction camps. It is recommended that it be available during off hours but in a controlled setting such as a bar where people can drink together socially and have other forms of recreation available. COPE is pessimistic about the ability of the companies or others to control private supplies of alcohol within construction camps.

4. In all construction camps where native people are employed, there must be available a native alcohol counsellor who can communicate with employees in their own language and who has had training in alcohol counselling. Training of native alcohol



counsellors should involve native associations and communities.

### Courts and the Legal System

COPE has not lead evidence on the courts and legal system in the Northwest Territories but has filed a copy of the proposal for a legal services center which was submitted to the Department of Justice. The legal system in the Northwest Territories is similar to that in southern Canada. Southern concepts of law and justice are still new and often incomprehensible to Inuvialuit. Under the present system, legal aid is provided in areas and in manners that do not meet the needs of Inuvialuit. It is not simply difficult to obtain adequate legal services in criminal proceedings but the lack of legal education, services and materials, and the lack of legal aid and legal consultation in most civil matters. The result has been ignorance and fear of the law by Inuvialuit. With the construction of a pipeline and continued development in the area, the need for adequate legal services and education will grow tremendously. These services and education programs must be available and in place if Inuvialuit are to benefit from the various developments. People need assistance to form corporations or other business organizations, to understand the terms and conditions of loans, to deal with unemployment insurance forms, to seek satisfaction for damages done to person or property etc. These services are not presently available in the Mackenzie Delta region and what legal services exist are handicapped by the lack of personnel, isolation and distance, and the lack of information in a form that people can



understand and use. Inuvialuit are not involved in a significant way in the courts and the legal system. Judges, lawyers and police are almost all outsiders. Little time is spent in the individual communities which often raises problems in preparation and understanding. Evidence from Alaska has indicated that big development has a major impact on courts and legal systems. Not only will the needs of original people to understand and have access to legal services increased, but the loads on the personnel involved in these services will increase greatly.

COPE shares some of the concerns of the association of municipalities in the impending need for increased law enforcement personnel.

#### Recommendations

1. A native legal worker program and community legal center must be funded and in operation prior to the authorization of pipeline construction.
2. There must be an assessment of the correctional facilities and programs in the Northwest Territories and an evaluation of those facilities for the treatment, punishment, and rehabilitation of offenders with alcohol problems.
3. There must be a community by community assessment of law enforcement needs in consultation with Inuvialuit.





Education

Education is important to original people and to the future of their children and their society. It is not only means to obtain training for employment, but is also a means of maintaining and developing society and culture. Educational services to original people in the north have failed to meet their objectives. The system has not provided enough skills or lead to satisfactory employment for most original people. The education system does not teach people about their culture or their society. Inuvialuit, young and old have repeatedly identified the school and hostel system as the single most important factor in the loss of language, culture, traditional skills and values. Their evidence has been supported by that of professionals appearing for the applicants, the native organizations and Commission Counsel.

In spite of public statements by government about the importance of native culture and languages and despite the development of native curriculum materials, the fact remains that education in the Northwest Territories is based on the Alberta model, staffed by teachers from outside and administered by the Northwest Territories Government. With the exception of two predominantly non-native communities, Yellowknife and Hay River, and the Rae-Edzo School, education in the Western Arctic is not controlled by local people. The Inuvialuit have not suggested that they want separate schools from those of non-natives. This extreme case was referred to by Commission Counsel but seems rather a red herring. Inuvialuit have said



that the present system is failing them and their children. They have stated and restated that they want educational opportunities for their children but that they require effective control and involvement in education so that their children can participate capably and intelligently in both native society and the larger Canadian society. Non-natives in the Northwest Territories have also expressed unhappiness with the school system and share some of the concerns. Local control of education is not new or novel in North America. Evidence has been lead that is system worked very well in Alaska.

#### Recommendations

1. With or without a pipeline, Inuvialuit must be guaranteed control and direction of the educational institutions and programs locally available to them. They must have the means to direct and control their own education system including curriculum and programs, hiring and firing of teachers and staff, training and inservice programs for all positions. If Inuvialuit do not gain this control prior to the construction of a Mackenzie Valley Pipeline, they will lose this opportunity forever. It is not intended that the interests of non-native people should be ignored. A meeting of the needs of the various cultural and language groups in the Northwest Territories may require the development and support of separate institutions and programs. Education and training will be essential to the success of alternative development programs



and therefore, native people must have both the means and control to provide such education and training.

2. Community control over education must not continue to be linked to property taxes. This basis for local control of education threatens to eliminate any hope of native control over education in the smaller settlements.
3. Research and curriculum development must be reoriented to the needs of original people. Some research authorized by the Department of Education has not yet been carried out and results of research already available have not been properly utilized or utilized at all by those who control northern education.
4. Education must include instruction in the languages of original peoples. Language is inseparable from culture, values and personal identity. To date, government commitments to the teaching and encouragement of native languages has not resulted in their inclusion in most curricula.
5. Original peoples must have input into the content of programming on radio and television in the Northwest Territories. Programming delivered to the Western Arctic is inappropriate to the needs, traditions, life styles, and languages of original peoples.

#### Recreation

Inuvialuit, both young and old, have told this Inquiry



repeatedly that they wish to maintain and . continue to develop a strong cultural identity and pride. Through this development they have stated that they can participate in their own communities and in the larger Canadian society. Those recreation programs which are designed around the culture and tradition of original peoples such as northern games have been particularly successful. However, recreation facilities are now inadequate to meet the needs of all northern residents, particularly original peoples. In larger towns where the majority of the population consists of outsiders, some expensive sports complexes have been constructed. These have been designed primarily to meet the needs and desires of the outsiders. Northern recreation programs and facilities have been developed without the involvement of original peoples with the exceptions of northern games and TEST ski program. Both of these were initiated at a community level and involved many people of all ages and backgrounds. In comparison with other sports complexes they are underfunded. In communities where non-native people are the majority, native cultural and recreational needs go ignored or are subordinated to those of the majority. In Alaska, recreational facilities and programs were heavily used during pipeline construction and became inadequate to meet the needs of transients and permanent residents. Often, the local bar became the center of recreation. This is a pattern which has been repeated in the Northwest Territories.

Although the development of community based and initiated recreational programs and facilities cannot solve the problems of rapid social and economic change which will accompany big





development, it can assist people in dealing with these impacts and help to foster a sense of community.

### Recommendations

1. COPE recommends that funding and technical assistance must be available for native communities and associations to develop their own recreational facilities and programs. In Inuvik, where the population is predominantly non-native, native associations must be guaranteed funding for the recreation programs they have already established and for the development of further cultural and recreational programs which they have been planning and which they may plan in future.

### Manpower Delivery

In the most general terms, both applicants have expressed a desire to have a manpower delivery system. This desire has been echoed by government employees in the field of manpower delivery. The unions concur in a general way. There appears to have been very little communication among these three groups and the planning for manpower delivery system is not even in the preliminary stage. Manpower delivery was a problem in Alaska because men looking for jobs often had to wait around larger centers at union hiring halls. This proved most unsatisfactory. Because of its concern for the problems this might raise for Inuvialuit workers, COPE contacted the pipeline advisory counsel and the Canadian Labor Congress by letter, a copy of which has been filed as Exhibit Number 738 to this Inquiry. COPE's concerns are:



- 1) Workers who have attended Nortran or AVTC or who have practical working experience but lack union certification are worried about their employment opportunities on a union project. Some have already had bad experiences in construction employment. They have been displaced by less skilled outsiders who had union memberships. Their earnings were lower although they were doing the same work as union members.
- 2) Inuvialuit lack experience and understanding of how unions operate and lack access to this information.
- 3) In many jobs there have been no clear, well explained grievance procedures for Inuvialuit workers.
- 4) People in the communities are concerned that they may not know what procedures to follow in order to get pipeline work. This was an experience in small or rural communities in Alaska. There are several federal and territorial agencies involved in job placement recruiting certification training and up-grading and this adds to the confusion.
- 5) Locating hiring halls in larger centers will cause problems for these people. This was the experience when hiring halls were located in centers like Fairbanks in Alaska.
- 6) Inuvialuit are concerned that union dues may be too high for them to pay prior to commencing work. They are afraid they might not be able to get employment without adequate savings. This has been a problem in Alaska. This Inquiry has been told that this should



not be a problem in most unions in Canada.

- 7) Inuvialuit are particularly concerned with work schedules and rotation. They do not want to be away from their communities for long periods of time as workers had to be in Alaska. They want to be able to work on development projects without losing the opportunity to carry on subsistence activities and to participate in community life. Both the pipeline contractors and union representatives have told this Inquiry that it may be impossible to accommodate work schedules on some parts of the project to those work schedules Inuvialuit seek. Some union witnesses suggested alternate work schedules for native employees to permit them to go home more frequently and to take time off when they wish to be on the land. This has apparently worked quite well in Thompson Manitoba.

#### Recommendations

1. COPE recommends that in consultation with native associations and the communities that a means be developed so that native people who possess skills and wish to work on the pipeline and related facilities can be certified objectively on the basis of their skills and obtain union membership with a minimum of complicated procedures.
2. COPE supports the union recommendation about a community information program to provide easily understandable materials



about unions and how to obtain membership. There must be a local employment officer in each community thoroughly knowledgeable about union membership requirements, the jobs available on pipeline and ancillary facilities and the skill levels required.

3. There must be a clear and swift grievance procedure for all northern people who feel they have not been classified in accordance with their skills or who feel they are being discriminated against. Original peoples must be members of any body which discusses grievances.

4. There must be a native counselling system with native counsellors in each camp which would be independent of unions contractors, applicants, and government.

5. COPE supports the recommendations of the unions and the Gemini North Panel that there should be a single agency which deals with all aspects of pipeline employment, recruitment, training, and union membership with strong powers in enforcement where unions, contractors, applicants, or government are not living up to their responsibilities and to whatever stipulations may be established for the construction of the northern pipeline or related facilities.

6. COPE supports the recommendations of the union that no hiring halls be established in the Northwest Territories. Non union residents and union members from outside must only obtain pipeline employment through established hiring halls in Edmonton and other southern locations. Northwest Territories residents must be able to remain in their own communities until they actually have a job. COPE recognizes that there may be





problems with the customary 48 hour dispatch limit for pipeline construction and recommends that they continue to be consulted about this.

7. COPE recommends that new members of unions be able to pay union initiation fees and dues through payroll deductions.

8. COPE strongly recommends further discussions between unions, pipeline contractors, and native organizations on the subject of work schedules. COPE is not satisfied that pipeline employment schedules must be those used in Alaska. Every effort must be used in consultation with communities and native associations to work out schedules which will accomodate local people as well as be efficient and economic from the point of view of pipeline construction.

#### Regional and Community Planning

In Alaska, regional and community planning was poorly carried out in response to the Aleyaska pipeline project. Witnesses identified lack of specific information from pipeline companies regarding their demands upon community services, lack of concern or analysis of the social impacts of the pipeline, lack of lead time to improve or expand community services and lack of planning and pre-pipeline impact funding to aid communities to prepare for impacts. Witnesses for Arctic Gas have expressed the opinion that this will not happen in Canada because we have governments which take a more active role in these matters than the government did in Alaska. COPE is not so sure. Witnesses were presented who have talked about the planning efforts for the pipeline and



related petroleum developments by the federal and territorial governments. This Commission has heard about Delta Regional Plan and the Mackenzie Delta Gas Plant Assessment Group (MADGAG). COPE is not opposed to realistic planning and actively supports proper planning if it is done in consultation with people in the communities and through their various associations. So far, the Federal and Territorial Governments have failed to adequately consult with the people and may be repeating the same mistakes that have occurred in Alaska. In the various assessments and planning efforts there has been no objective assessment of either socio-economic or environmental impacts by Federal or Territorial Governments. The information given to the communities has been misleading, inadequate and the planners have been perceived by people in the communities as proponents of the development whose job is merely to prepare the people for the impacts of hydro-carbon development.

COPE agrees that there must be adequate planning and impact assessment before the construction of a pipeline and an energy corridor.

As a result, COPE recommends the following:

1. To begin with there must be an in depth analysis of potential social and economic impacts of the construction project. The proceedings of the Berger Inquiry which has enabled the various interest groups to do their own assessments and to identify what each feels is important is a good place to begin. From the proceedings, exhibits and recommended terms and conditions, an



identification of some of the problems and possible solutions will be found. This will not provide a substitute for planning. Rather we see it as an effective tool.

2. Inuvialuit in their communities and through their associations must be involved in each stage of identification of impacts and the planning to meet these impacts. Their involvement must not end with the end of this Inquiry.

Local communities and the regional native associations must have the resources to participate in the planning process. They must be able to hire staff and commission research when they feel it is required and must be able to travel and work in the communities.

3. Because the details of the proposed project have not and perhaps cannot be outlined at this time by the applicants, not only the native associations, but people in their communities must continue to be consulted about the details on the possible impacts upon their communities. This consultation should follow the model proposed in the community consultation section of this document.

It is only through this form of consultation on the specifics of any project that planning can be done which will not only satisfy the planners but also meet the needs and desires of the people in the community.

4. The regional and community planning process must include



the various options which may be open to or put forward by the original people. It is not a satisfactory technique of planning to simply propose ways in which people can accomodate to plans already made.

### Regional Impact Information Center

Even the most optomistic proponents of the Mackenzie Valley Pipeline admit that there will be some impacts on the communities and on the environment. In order to learn from any major project, it is important to monitor the effectsof that project on the land, the animals, the people. We have heard evidence from Mim Dixon of the Fairbanks Regional Impact Information Center.

### Recommendations

1. COPE recommends that there be established a regional impact information center based on the model of the Fairbanks Impact Information Center. The establishment of this center should begin well in advance of the pipeline construction. It is most important to establish base line data in many areas prior to the start up of stock piling and construction.
2. COPE recommends the regional impact information center in the Mackenzie Delta area be established at Tuktoyaktuk but that it be so funded and staffed that it is able to serve the outlying communities in the COPE region. The lack of an impact information center in outlying rural areas was identified as a problem for both residents and government in Alaska in order to establish accurate information on the needs and the





areas of strain on human and community resources.

3. The center must be locally controlled with representatives from all groups in the region including native associations, government representatives, business associations, the pipeline companies, chambers of commerce, association of municipalities, mental health associations etc. It must be free of control either political or economic by anyone interest group.



Sufficient lead time to settle land claims, to implement programs that are agreed upon, to select land, to permit reviews of government policies and procedures, to set up authorities, to build hospitals, to train personnel and to expand services is a requirement not only of native people but of government and of industry. The Federal Government has allowed this Inquiry to continue so that this part of the job could be done right. But this is not the only thing that has to be done before major development can be introduced to the Western Arctic without having devastating effects on the people and on the environment.

Whether it is to settle land claims or to set up a pipeline authority, people have suggested lead times which vary from more than ten years to eighteen months. COPE is unable to say how many years are required. We have through this document given a list of those things which Inuvialuit feel must be done prior to the commencement of major development in the COPE region. There may be others which arise through negotiations of land claims, review of government policies and services, setting up of land use plans, authorities etc.

The gas company need lead times as well. Recent revelations by Arctic Gas that much of their frost heave experimentation must be done again should give us all fair warning that despite their good faith and good intentions they have not solved all the problems. It is doubtful that they have even discovered all the problems and their implications.



### Legislation

If this pipeline is going to be built at all and if it is going to be built right, the government also needs lead times to review its existing legislation to draft and pass any new legislation which may be required before development can proceed. This COPE believes is a procedures which might well take a number of years. As we have stated elsewhere in this document, it is not satisfactory to do "band-aid" jobs on existing legislation and authorities. It is not adequate to govern this Territory or police such a mammoth project merely by adding regulations under existing statutes.

### Recommendations

COPE therefore recommends that a thorough review of existing legislation which might affect land claims, land use planning and the pipeline carried out by the Federal and Territorial Governments in consultation with local and particularly with original peoples to assess the present laws, to evaluate and determine the requirements for new laws and to draft and pass legislation which is thoughtful, complete and just.













